UNIVERSALIZABILITY, NEEDS, AND MORAL JUDGEMENTS

THESIS

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Universalizability, Needs, and Moral Judgements

ABSTRACT

Can there be an answer to the question 'Which moral judgements ought anyone to make?' that does not depend upon contestable value assumptions? My essay brings together two hitherto unconnected ways of responding to this problem to be found in recent meta-ethics; the claim that our particular moral judgements must be universalizable and the claim that our commonsense moral beliefs are grounded in human needs. I will try to show how these two features, universalizability and needs, get us to the heart of our ordinary moral beliefs and practices. I will try to show also that an interpretation of the universalizability thesis, based upon human needs, provides us with a theory-neutral rule with which a rational autonomous judger can answer the 'which moral judgements?' question.

There are three parts to the essay. In Part One, I will show some of the formal conditions that particular moral judgments must meet if they are to satisfy my interpretation of the universalizability thesis. First of all, there is the generally conceded requirement that when a person makes such a judgement he must be consistent, in the sense that he must be willing and able to accept the same judgement for all similar cases _in propria persona_. I will show, however, that the universalizability rule in ethics requires more than this. Secondly, to be universalizable his judgement must be impersonal, in the sense that the reason given for it must be contextually relevant and must elucidate the judgement. Thus even as a necessary theory-neutral rule, _pace_ Hare, universalizability implies certain restrictions on the possible content of moral judgements.

Nevertheless these are only formal requirements; they do not tell us which moral judgements anyone ought to make. Moral abominations can be contextually relevant and universally consistent judgements. More importantly, left like this the universalizability rule seems to be trivial. Mutually incompatible and contradictory judgements satisfy

it. I will go on to argue that if the rule is to be non-trivial, it must be given a material interpretation. This is to say, the interpretation must retain the moral neutrality of the universalizability rule yet also specify some other morally non-controversial requirement, so that the rule can have a direct bearing on moral judgements. Is this possible?

In Part Two, I will try to show what the morally non-controversial requirement might be. I will begin by arguing that all persons have certain non-volitional needs in common. They need certain capacities, abilities, drives, if they are to function and if they are to flourish. I will show that as well as having empirical support, these claims can be philosophically supported by arguments of an a priori sort. I will then show that such needs underlie most, if not all, of our commonsense moral beliefs. Thus we can see why our moral beliefs matter to us; judging and acting in accordance with them meets the needs in question.

In Part Three, I will bring the two important features of my account together into a universalizable-needs thesis. I will argue that in a joint investigation, where we attempt to answer the 'which moral judgements?' question, (i) any singular judgement based upon a need-reason is prima facie correct and (ii) any further judgement that can be derived by universalization from (i) is also prima facie correct. To put the point differently, such singular moral judgements will satisfy the rule U.R.II:

> If A judges that X morally ought to do F for the need-reason R, then any rational person must judge that anyone to whom R applies ought to do F.

When we bring these two aspects of our moral thinking together in other words, we obtain a material interpretation of the universalizability rule.

I will show how a number of uncontroversial moral judgements conform to U.R.II; their denials can be faulted as being inconsistent, uniquely naming, or in other ways rationally flawed (e.g. the hypothesized state-of-affairs

implied by the denial of the universalized judgement is unintelligible as an account of a moral practice). I will argue also that in contexts where different universalizable-needs conflict, we can and do objectively weigh one against another. Finally, I will show how my account provides an answer to some of the dilemmas and seemingly intractable moral conflicts discussed in the recent literature.

If I am correct, the arguments in this essay seriously undermine many recent answers to the question of how our everyday moral beliefs are to be justified. More importantly, if I am correct, the universalizable-needs thesis presented here provides a theory-neutral criterion with which we can determine morally right from wrong judgements.

Introduction

Twenty five years or so ago, moral philosophy was mainly confined to a discussion of the general logical properties of moral discourse. There was a heated debate in the literature, for instance, over whether or not universalizability is a necessary condition of all moral judgements and whether or not the primary function of the latter is to prescribe courses of action. In recent years interest in these issues has abated.

At least four related factors seem to have played a role in this shift of interest. Firstly, the debate was excessively formalistic as an account of what moral discourse is about. It largely ignored the broadly social and psychological background in which our moral judgements and serious moral disputes occur. Secondly, the favoured theory, universal prescriptivism,[1] set few limits to the content of moral judgements. If he wished, a person could regard as a moral judgement the proposition that one ought not to look at hedgehogs in the light of the moon. This overlooks the fact that there is wide agreement on what considerations are relevant to moral judgement and hedgehog-watching in the moonlight is not one of them. Thirdly, no substantial results appeared to follow from the favoured thesis. As long as a judgement is sincerely held, one moral view is to be regarded as good as any other. On the other hand, in commonsense morality we have no doubt that to intentionally kill another person, to batter a child, or to make false promises, etc., are *prima facie* morally wrong things to do, no matter how sincerely held the view is to the contrary. Fourthly, universal prescriptivism largely neglected the issue of why our moral beliefs and judgements matter to us. To answer this question we cannot simply fix our attention on the meaning of moral terms and expressions taken in isolation. We must try to understand the overall point of the discourse in which they occur. It is only when

we reflect on why we have a morality - why we have any moral practices at all - that moral discourse and, in particular, moral judgements, will be found to have a point. And if we discover their rationale we might be able to see why our moral beliefs matter to us.

It is not surprising then that critics of universal prescriptivism began to look at different ethical traditions. One such attempt was to find an account of our commonsense moral beliefs in human nature.[2] And one concept that has been revitalised in this endeavour is the concept of **needs**. When we take the view that all human beings have certain fixed needs, we appear to be able to explain the purposes for which at least some of our moral beliefs exist; by acting on such beliefs, we meet the human needs in question. This suggests an answer to the question of why our moral beliefs matter to us. We seem to be able to explain, also, different moral practices as different ways in which the needs in question may be ministered.

However there are so many formal difficulties facing this approach that a needs thesis seems to collapse under their weight. It is very unclear, for instance, what exactly the relationship is between, on the one hand, our actual moral beliefs e.g. one ought to keep promises and, on the other hand, so-called human needs. Neither is the relationship clear between need statements and the particular moral judgements that we make. If all persons universally and necessarily need to be or to do such-and-such, then it seems pointless to assert that 'You ought to be or to do such-and-such'. Alternatively, if needs are not universal features of human nature but, say, norms, the relationship between need statements and 'ought'-judgements is contingent and in another universe, or in unusual social circumstances in our own, human needs could attach themselves to very different moral beliefs and judgements. Furthermore, it is often argued that there are certain human needs that are harmful or destructive. How do we determine the worthiness of some

needs but not others? The claim that human needs ought, on moral grounds, to be satisfied is seriously undermined if this 'ought' is subject to independent moral considerations.

The points above suggest that while they may emphasize salient features, both approaches are inadequate as accounts of what moral beliefs and moral judgements are and why they are important. The former, because it confines itself to the general logical properties of moral discourse and neglects the broad social and psychological contexts in which such discourse occurs; the latter, because it concentrates on psychological insights about human needs at the expense of logical considerations. It should be possible to offer a theory, of a synthetic nature, which pays due attention to both desiderata. As far as I know, no such attempt has been made to date. It is this that I propose to do in this essay. In a nutshell, what I will try to show is that a material interpretation of the universalizability thesis based upon human needs, gets to the heart of our ordinary moral judgements, beliefs and practices. Furthermore, I hope to show that such an interpretation provides us with a theory-neutral rule by which a rational, autonomous judger can answer the question 'Which moral judgements ought anyone to make?'.

The essay is divided into three parts. In Part One, I will identify some answers to the 'which moral judgements?' question that a theory-neutral, **formal** interpretation of the universalizability rule will provide. And I will try to show that a theory-neutral, **material** interpretation of this rule is possible. Let me say briefly what I mean by 'a material interpretation of the universalizability rule'.

It is widely, though not universally, accepted that a moral judgement must conform to something variously described as the universalizability rule; or - of what one is led to suppose are references to the same thing - the principle of ethical consistency,[3] the generalization rule,[4] the categorical imperative,[5] the Golden Rule,[6] the principle

of impartiality,[7] and even the principle of justice.[8] The same thesis is also said to be expressed by the imperative 'Treat like cases alike'[9] and by questions like 'What if everyone did that?'[10] and 'How would you like it if someone did that to you?'. Evidently the thesis has something to do with the idea that if an action done by one individual, Smith, is morally right (or wrong), it is also right (or wrong) when done by someone else, Jones, who is like Smith in the relevant respects, when Jones is in similar circumstances to Smith. The problem is that there is no standard formulation of the thesis.

In order to bring the various versions of the universalizability thesis under some sort of intellectual control, it will be convenient to classify the accounts according to whether they are formal or material versions of it.[11] By calling an interpretation 'formal' what we will mean is, roughly, that regarded as a moral principle such a rule does not imply, either alone or together with other non-moral premises, any moral conclusions (of the sort that some action, person, or state-of-affairs, ought or ought not to be done, is right or wrong, etc.). Rather it is only when it is combined with an additional moral statement, to the effect that a thing of a certain sort has, or lacks, a moral property, that the rule can be used to derive moral conclusions. For most philosophers, universalizability is a formal principle. On the other hand, what we will mean by a 'material' interpretation is the claim, roughly, that the universalizability rule by itself, or together with other non-moral premises, can be used to derive or to fully justify moral conclusions.

By the end of Part One, I hope to have established the conditions that a material version of the universalizability rule must meet, if such a version of the rule is to be possible. This is to say, I will have outlined a morally neutral account of the universalizability rule and a specification of other non-moral information which, when

they are taken together, can be used to determine morally correct judgements.

In Part Two, I will try to show what this morally neutral information is. I will begin by arguing that all human beings have certain non-volitional needs in common. I will show that as well as having empirical support (in biology, sociobiology, psychology, psycho-analytic theory), this claim can be supported by a priori philosophical arguments. I will then show that need-reasons (viz. descriptions of such needs) underlie most, if not all, of our moral beliefs. Our commonsense beliefs in favour of gratitude, loyalty, truth-telling, promise-keeping, fairness, or against unnecessary killing, injury or suffering, etc., can be explicated in terms of meeting certain human needs. I will argue also that where, in our moral deliberation, a particular judgement is based upon a reason which describes such a need, the reason is a prima facie good reason for a moral judgement. In arguing this I differ from those who, on the one hand, suggest that correctly described the logical gap between factual premises and moral conclusions disappears and, on the other hand, those who claim that even if we grant that there are such needs, there is no a priori limit to the number of forms that different moral practices can take based upon them. By the end of Part Two, I hope to have provided an account of human needs, the descriptions of which explicate our ordinary moral beliefs and serve as prima facie good reasons for our particular moral judgements.

In Part Three, I will bring together the two important features of my account; the universalizability rule and the needs thesis. I hope to show that, in a joint investigation - where we attempt to answer the question 'Which moral judgements ought anyone to make?' - singular moral judgements based upon universalizable need-reasons are judgements that any informed and reflective person must accept as being morally correct. I will argue that only

certain need-reasons, in singular judgements, can be universalized. Many putative needs would not result in a rationally defensible account of our own or any other possible (human) moral practice. I hope to show also that in contexts where different universalizable need-reasons conflict, we can and do objectively weigh them against each other, ranking different needs in terms of one being more basic, urgent, certain, etc. than another. Furthermore, in our ordinary moral discourse, I will show that we fault the rationality of judgements which fail to meet the criteria above. If all goes well, by the end of Part Three, I hope to have sketched and defended the rudiments of a moral theory.

No doubt many of the claims above will strike the reader as implausible. The aim of this essay is to explore them and, hopefully, to justify them. Let me conclude this introductory chapter by saying a few more words about how the essay is structured.

Clearly, before we can determine its status in ethics we need to say just what counts as universalizing a moral judgement. Chapter One will begin by showing that a universalizability rule, U.R., which has the strongest claim to our rational acceptance, can be based upon a principle of consistency. My singular moral judgement must be universalizable in the sense that it must be consistent; this means, at the least, that I must be both willing and able to accept the judgement for all similar cases <u>in propria persona</u>. I will then show that the rule, in this rudimentary form, can be used to expose certain faults in our moral reasoning e.g. inconsistencies, double standards. As it stands, however, U.R. is useless as a criterion for moral as opposed to non-moral judgements. For I can universalize almost anything I like in the name of morality.

In Chapter Two I will show that due to its application in moral contexts, a number of restrictions must be placed on the judgements to which the universalizability rule can

be legitimately applied. As a result, U.R. needs to be amended. The amendments in question mean that our universalizability rule differs significantly from the principle of consistency. I will argue, for instance, that to conform with consistency, the choice of one reason rather than another can be quite an idiosyncratic or arbitrary matter, whereas to conform to the amended versions of U.R., one is required to support judgements with reasons that are impersonal. My reason must be a reason for the judgement; that is, a reason independently of the fact that I so regard it. I will go on to show that the amended versions of U.R. (U.R.I and U.R.II) are still theory-neutral yet, under them, non-moral practical judgements are not universalizable. However the amendments will not give us many unambiguously correct moral judgements.

In Chapter Three I highlight the problem that faces us by distinguishing between a formal and a material principle. A formal principle does not apply directly, but only mediately, to particular moral judgements. Given this interpretation, there is not a simple link between universalizability and what is morally right. Furthermore I will show that so interpreted, U.R. is trivial. Mutually incompatible, contrary and even contradictory moral judgements satisfy it. In all such cases, the burden of moral distinctions falls entirely on the additional and controversial moral assumptions that are needed to supplement the formal rule when making a judgement. If the universalizability rule is to have any significant bearing on right or wrong conduct then it must be understood as a material principle. By the latter I mean a principle which together with some other morally neutral constituent leads ineluctably to a particular ethical theory. I will consider and reject both M.Singer's (1961) and R.M.Hare's (1981) attempt to show how universalizability can be interpreted as a material principle. I will argue that a further criterion or category is needed which does not smuggle in contentious

moral or evaluative assumptions and which, at the same time, will provide us with a wide range of morally relevant similarities between things.

In Chapter Four I will identify two types of non-volitional needs: those things without which a person cannot function at all and those things without which a person will be seriously harmed. My argument is that such needs play a fundamental role in most, if not all, of our commonsense moral beliefs. I will illustrate the role needs play in our moral thinking concerning killing, non-accidental injury and suffering. In arguing so, I will have to defend my thesis against the type of attack to which P.Foot's (1958) thesis was subjected, particularly the claim that there could be societies where people are morally indifferent to all killing and there are individuals who do not think that a serious injury or physical suffering is a harm. There are, however, important differences between Mrs Foot's and my position. I will argue, for instance, that there is not an entailment between need-reasons and 'ought'-judgments. Another difference between us concerns the extent and the variety of a person's needs.

This becomes clear, in Chapter Five, when I will identify a number of the psychological needs that someone who makes a moral judgement must presuppose. The judger will need to be self-determining, (viz. he will need a conception of himself as an initiator of actions that make a difference to the course of events). He needs also a sense of his own identity. For this to flourish, he needs to develop his talents, to have a sense of unity in his life, and so on. He will need relationships with other human beings and he will need, particularly, some degree of active sympathy for them. Then I will argue that like a moral judger, all persons have these same psychological needs. Obviously my account faces a number of difficulties; for example, the needs identified do not appear to provide us with a basis for explaining or justifying many of our major moral

beliefs.

In Chapter Six I will show how our beliefs concerning 'gratitude', 'loyalty', 'truth-telling', 'promising' and 'justice' can be accounted for in terms of psychological needs. I will establish also why my account should be preferred to other accounts. We will consider, for instance, Kant's view that gratitude is a holy duty, and contrast this with the account of gratitude in terms of meeting certain needs. We will consider and reject attempts to explain promising as an artificial virtue and the attempt to relativise promise-keeping to particular moral practices. I will show that the obligation for persons to keep their promises is best understood as based upon their psychological needs. I will then outline Rawls' motivational theory of a sense of justice, which is based upon rational self-interest and reciprocity. This presents a problem for my needs thesis for it suggests that the other-regarding needs I have identified, such as sympathy, are superfluous. I hope to show that a sense of justice has to be supplemented by the need for active sympathy.

In Chapter Seven, I will bring together the universalizing rule, U.R., and needs thesis and show how they apply when making moral judgements, (viz. the universalizable-needs thesis). To do this, I will first describe the deliberative and justificatory contexts in which, paradigmatically, my universalizable-needs theory applies. I will then show how in their universalized form, moral judgements based on need-reasons are judgements that any informed and reflective person must accept as being morally correct. We will find also that certain singular judgements based upon putative need-reasons cannot be universalized. Where the universalized form of such a judgement is intelligible, the hypothesized situation does not yield a defensible account of the moral practices of a human society. I will then show that it makes sense to speak of weighing different (universalizable) need-reasons and I will

attempt to provide neutral criteria for estimating the weight of different needs. Next I will stress the complexity of most contexts calling for a moral judgement and I will argue that what we have to ascertain for the purpose of universalizing, are the underlying need-reasons. Finally, at the end of this chapter, I will show how the universalizable-needs theory works. I will argue that (i) any singular moral judgement based upon a need-reason is prima facie correct and that (ii) any further judgement that can be derived by universalization from (i) is also prima facie correct.

In Chapter Eight we will consider some of the remaining objections to which the universalizable-needs theory appears to be vulnerable. Firstly, I will defend my thesis against the claims made by A.MacIntyre and P.Winch that not all moral judgements are universalizable. Next I will answer the question why anyone rationally should judge in the way that the universalizable-needs theory requires. Thirdly, I will consider and reject an account of the psychological nature of persons which differs from my own, namely psychological egoism. Fourthly, we will examine and reject the claim that a simpler account of morally correct judgements, merely based upon rational self-interest and reciprocity, would provide an adequate analysis and deliver the same results as the universalizable-needs theory. Fifthly, I will show how my account helps to settle some of the more intractable moral disputes which have been raised in the essay.

PART ONE

THE UNIVERSALIZABILITY RULE

CHAPTER ONE

CONSISTENCY AND UNIVERSALIZABILITY

A singular moral judgement is a rational judgement if, and only if, it can be universalized. This claim is generally, if not universally, conceded. Different writers however, interpret the universalizability requirement in different ways. And they make different claims about its status and the nature of its necessity. I too want to claim that universalizability is a necessary, morally neutral rule, (neutral, that is, to all moral theories). So what exactly is my interpretation of it? How does the rule function? And why is it necessary?

In this chapter I want to show that an account of the universalizability rule, a theory-neutral interpretation which has the strongest claim to our rational acceptance and which is capable of powerful employment in moral contexts, can be based upon a principle of consistency. To establish this I will begin, in section (1), by defining universalizability in terms of consistency, viz. U.R. In (2), I will make some preliminary comments about the notions of 'judgement' and 'reasons' we are using. In (3) I will consider how U.R. works. In particular I will show, in (4), that since U.R. requires that a singular moral judgement applies in all relevant cases, this commits the judger to considering the acceptability of his judgement in a number of hypothetical contexts. In this way, U.R. fully tests the consistency of his judgement. It can indicate also the judger's insincerity or his use of double standards. In (5) I will explore one of these contexts, universalizing _in propria persona_, in more detail. In (6), I will compare our U.R. with some other approaches to the universalizability thesis. In (7), I will try to say why U.R. is necessary. Finally, in (8), I will point out some of the major problems that this interpretation faces.

1. Consistency and universalizability

What is it for a judgement to be universalizable or universalized? Speaking generally, for a singular judgement to be universalizable it must apply not only to the subject of the judgement but also to anything that is similar to the subject in the relevant respects. Thus to say 'X is good' implies - in some sense of 'implies' - that anything else with the same relevant characteristics is also good. Similarly, when judging X's conduct if, on the basis of such-and-such reasons, we conclude that X ought to do F (or that it is right for X to do F, etc.), then we are committed to saying that anyone Y, who is the same as X in the relevant respects, ought to do F (etc.) in similar circumstances. In other words, to claim that a singular judgement is universalizable is to claim that we are able to extend our judgement to all cases which are the same in the relevant respects to the subject of our original judgement. On the other hand, by saying that it is universalized, we mean that the judgement applies to all relevantly similar cases. These are minimal characterizations of the terms 'universalizable' and 'universalized'. We will attach further connotations to them later.

One version of the universalizability rule, our U.R., which appears to capture the definitions above, can be derived from a more general rule of inference which, for reasons that will become apparent shortly, we will call 'consistency A'. This is an important indicator to the way that we will think of universalizability in this essay. Clearly, regarded in this way we have a strong basis for the claim that U.R. is necessary. For by requiring that they conform to U.R. we are saying that singular moral judgements must be, in some sense, consistent. There seems to be no question that inconsistent judgements are rationally unacceptable.

Consistency A can be represented in the following schema:-

I. If X is ..., then anything which is the same as X in the relevant respects is also ...[12]

Someone who assents to a general term or a predicate substituted in the antecedent clause of schema I. is thereby committed, sub specie logicae, to accepting the corresponding consequential sentence. A person who rejects the consequent while accepting the antecedent is guilty of a form of inconsistency. The inconsistency in question will be a refusal to accept the logical consequences of a statement which he regards as relevant to the particular case, for some or all other relevantly similar cases. However in some instances, as we shall see, the person's acceptance will not be possible since the statement will be self-contradictory, self-defeating, self-frustrating, or in other ways senseless when its logical consequences are spelled out.

Obviously consistency A is not a distinctively moral requirement. It applies to most kinds of descriptive and practical statements, such as statements of opinion, taste, etc., (e.g. 'This is a racehorse', 'I like spinach'). Thus

If X is a racehorse then anything which is the same as X in the relevant respects is also a racehorse,

is a legitimate substitution into schema I. We would not understand someone who says, without any further explanation, that in his opinion X is a racehorse and that Y is the same as X in the relevant respects, yet Y is not a racehorse. We should notice here that almost anything can be like X in some respects yet not be a racehorse. For one thing can be described as being similar or dissimilar to any other depending on which feature of the things we focus upon. What we could not understand, however, is a person's refusal to accept that Y is a racehorse, if he accepted that X and Y are the same in the prima facie relevant respects.

Deontic expressions like '...is good', '...is right' '...is under an obligation to do F', '...ought to do F' also can be inserted into the blank spaces of the schema I;

thus

> If X is good (...is right, ...is under an obligation to do F, ...ought to do F,) then anything/ anyone who is the same as X in the relevant respects also is good, (etc).

To claim consistency A for norms and evaluations is to claim, for instance, that if X is a good racehorse, (parent, lecturer, institution), then anything that is the same as X in the relevant respects is also a good racehorse, (parent, etc.). The same holds for statements of rightness or statements concerning what ought to be done. If I claim that X morally ought to do F and I accept that Y is the same as X then, as a matter of consistency, I must accept that Y ought to do F. If I cannot accept the latter, then I am compelled to reject the former. That I must reject the former (i.e. X morally ought to do F) is a matter of logic, not morality. Someone who assents to a sentence in the antecedent part yet who rejects the consequential sentence is contravening consistency A.

Consistency A applies to all kinds of statements or utterances. It applies particularly to singular judgements, both descriptive and practical. By a singular judgement we will mean one which is couched in particular terms, as for example, 'This horse is a racehorse because it has a certain pedigree and it can run fast', 'If I go out this morning I will get wet because it is raining', 'The decay in my tooth is the cause of my toothache'. Singular judgements too can be substituted into schema I, thus

> If I judge that X is F, because of the reason(s) R, then for all Y, if Y is the same as X in the relevant respects, I must judge that Y is F.

In judging that F applies to X because of R, we are saying that R is the reason, justification or explanation, why the predicate has been ascribed to the subject. Moreover if F applies to a subject X because of the conditions spelt out in the reason R, then F must apply to all other subjects Y,

Z, ..., to which R applies. By failing or refusing to ascribe F to some Y, where R applies to Y, the judger is not accepting the logical consequences of his singular judgement.

Any singular descriptive judgement, where a particular reason or causal explanation shows why a predicate is applicable to the subject, is a legitimate substitution into schema I. So, for example,

> If I judge that X is a racehorse because it has a certain pedigree and runs fast, then I must judge that anything which is the same as X in the relevant respects, i.e. with a certain pedigree, that runs fast, is also a racehorse.

We would not understand someone who, without any further explanation, claims that X is racehorse because it has certain characteristics and that Y has just the same characteristics, yet Y is not a racehorse.

We may extend the point here to obtain a basic version of the universalizability rule, U.R. Thus

(1) If I judge that X is good, (...ought to do F, etc.) because of the reason(s) R, then I must judge that anything/anyone who is the same as X in the relevant respects is good (etc.) because of R,

is a substitution instance of schema I. It too requires that we must accept the logical consequences of a singular judgement for all <u>prima facie</u> like cases. There is, however, more to the matter than this.

In any singular judgement, we noted, a particular reason R will state or imply why the predicate F applies to X. The predicate applies to the subject because of the reason(s) given. Now not every reason given in a particular judgement implies a general reason; for instance, 'I will buy some spinach today so that I can eat it for dinner tomorrow', (see also reasons (a)-(d) pp.70-71 ahead).[13] However where R does state or imply a general reason it will state or imply also the grounds upon which other things Y, Z..., may

be judged to be the same as X in the relevant respects. If this is so, we can drop the clause 'which/who is the same as X in the relevant respects' from schema I and have an equivalent form of consistency A thus

I. If I judge that X is F because of the reasons R, (where the 'because' indicates a sufficient reason, a prima facie sound reason, or a similar condition), then I must judge that for all Y, if R applies to Y then Y is F.

Where a judgement is based on general reason(s), a similar judgement must apply to all those cases where the reason applies.[14]

This gives us an equivalent form of the universalizability rule. It is the one that we will make use of in this essay; a version which places the emphasis on reasons. I will argue shortly that if a statement such as 'X ought to do F (etc.)' is to count as a moral judgement then it must be supported by reason(s). And I will go on to claim that the reason given must state (or imply) a general reason which will in turn specify (or imply) the grounds on which persons or circumstances are to be regarded as the same or relevantly similar and therefore the grounds upon which all such cases are to be judged. We may state the equivalent form of U.R. thus

(2) If I judge that X is good (...morally ought to do F, etc.) because of the reason R then I must judge that anything/anyone to which R applies also is good (etc.).

We might express the requirement (2) above in the following way: if R is the reason for the singular moral judgement S, in circumstances T then, to be consistent A, it must be the reason for the moral judgement S', in T' viz. in all those cases to which the reason applies.

We need now to make a distinction between the agent and the patient of an action. The singular judgements, in the antecedent of our U.R. schema, have so far concerned the

familiar case where we evaluate an agent performing an action. But there is another type of normative judgement which regularly occurs in moral discourse, namely, where the individual referred to is the patient rather than the agent of the act. In such judgements the subject is, so to speak, on the receiving end of the proposed action or condition. They are judgements concerning how X morally ought to be treated. These too can be substitutions into a logically equivalent form schema I thus

(3) If I judge F is good for X, (...ought to be done to X, ...is the right way to treat X), because of the reason R, then I must judge that F is good (etc.) for any individual to whom R applies.[15]

As we shall see, we can obtain (3) from (2) above when we give a full consideration to hypothetical cases, so (3) is not an independent version of the U.R. rule, (see p.32).

Something about (3) leads some philosophers[16] to think that it is the same as the demand 'Treat like cases alike'. The latter is not, however, a concise statement of what (3) requires. For whenever someone is subject to the rule 'Treat likes cases alike' this rule applies not just to his judgements but to his actions as well. In contrast, we might characterise (3) as requiring that we 'judge like cases alike'. We can see the difference here if we consider judgements of moral permissibility. An act F is morally permissible, let us say, if it is morally right for someone to do F, or not, as he chooses. In such contexts, we must judge like cases alike but it is not clear that we always ought to treat them alike. If acts of charity are judged to be morally permissible, for example, (3) requires that a judger makes the same judgement, of moral permissibility, to relevantly similar cases. From the perspective of moral permissibility, however, the way he acts can be quite different. Whether or not he donates to this or that good cause is for the judger to choose. He can give all of his money to Oxfam today and nothing to the equally deserving

Save The Children Fund tomorrow. Hence in judgements of moral permissibility the same or a different person, in the same situation, may treat like cases differently.

I am claiming that definitions (1)-(3) are different ways of stating the same rule, viz. a rule that we are calling universalizability yet which simply amounts to deontic applications of consistency A. By defining universalizability in this way, I hope to show that an interpretation of the universalizability thesis can be defended in a rigorous way. More complex interpretations of U.R. will be required because, as we shall see in Chapter Two, the application of the rule in moral contexts places a number of restrictions on the reasons that we can legitimately substitute for R. For instance, a restriction on the occurrence of uniquely referring terms will result when we begin to specify the criteria for what are to count as 'morally relevant similarities'. Yet despite such restrictions, I will claim now and argue later that these further interpretations are legitimate extensions of the basic principle U.R., which itself is derived from a type of consistency requirement.

So we have started with an account of the rule which, hopefully, is tolerably unproblematic. It cannot be denied that moral judgements need to be consistent A and that they are, in this limited sense, universalizable. We want to see if U.R. delivers any significant answers to the question 'Which moral judgements ought anyone to make?'. Before proceeding to this, however, I need to say something briefly about the notions of 'judgement' and 'reason(s)' we are using here.

2. Judgement and reasons

Firstly, the term 'judgement' is equivocal. Sometimes it is used to refer to a conclusion of an argument alone and sometimes it is used to refer to the conclusion together with the reasons (i.e. a set of propositions). When it is

used in this latter sense, the last statement of the set is a practical conclusion while those which precede the conclusion are reason(s) from which the conclusion can be inferred, or by which it can be adequately supported. On the other hand, when 'judgement' is understood to refer to the conclusion by itself, it must be inferred from or supported by accompanying reason(s). As long as we use the term 'judgement' consistently I cannot see that it matters which alternative we adopt. So we will use 'judgement' to refer to a conclusion by itself. And we will use 'singular moral judgement' to refer to the statements to which U.R. applies, that is to say, a moral conclusion together with the associated reasons upon which it is based.

A second point concerns the kind of singular moral judgements to which U.R. applies. Judgements aimed at convincing someone that we are morally obliged to do something, are an assortment of logical types: deduction from acknowledged premises ("Smith ought to keep his promise to repay Jones"); by analogy ("Isn't that just how Brown behaved, which we all thought was disgraceful?"); appeals to sentiment ("Consider how depressed it will make Jones"); sheer brow-beating ("I don't know how you have the audacity to behave like that Smith!") and so on.[17] Not all of the above will be singular moral judgements about a particular case in hand and thus subject to the U.R. rule. Sometimes they will be inferred directly from a general principle. Thus if I hold 'One should always keep one's promises' this principle applies to all relevant cases, including the particular case where Smith promised to repay Jones money that he has borrowed. The action-guiding judgement 'Smith ought to keep his promise to repay Jones' could be deduced from the general principle. It is widely, although I think misleadingly, held that this is another form of the universalizability rule.[18]

Why is this misleading? Firstly, a rule like U.R. cannot be thought to apply to the principle as such; for any

principle, whether wide or narrow in scope, is already in general terms. Hence to talk of 'a universalizable principle' is simply a pleonasm. Presumably what people have in mind here is, rather, that a universalizability rule is needed to apply the principle to all of the particular cases to which the principle applies. Yet it is analytically true of any kind of principle or rule that it applies to all relevant cases within its scope. So, secondly, to call this process 'universalizing' is otiose.

In contrast, we are discussing the universalizability rule where this applies to singular moral judgements, where by a singular moral judgement we mean one which is expressed in particular terms. In this sense, if we say 'X ought to do F because of R' we mean that R describes features of the particular situation, which support or imply the moral judgement in this case and which, by the universalizability rule, support or imply similar judgements where R applies. And we need this rule. For while sometimes a particular moral judgement may be the result of a deductive inference from general principles, our everyday moral judgements are not usually like this. They are usually more corrigible. The question 'What morally ought anyone to do in this situation?' constitutes a problem. In such circumstances, it may not be at all obvious how our reasons may be said to instantiate established moral principles. Often different, sometimes contrary, principles may be applicable. A judgement has to be made based upon priorities. One principle may be carried out only at the cost of another. The point is that particular situations which call for a moral judgement are usually complex. We need to know that the judger regards the reason he gives for his judgement to be, to say the least, the weightiest of those he has considered. And this is where we need the universalizability rule. When he makes a singular moral judgement, we need to know that the judger would and can accept the same judgement for all like cases.

We will restrict 'universalizability', then, to its application to singular moral judgements. Our U.R. rule requires, in effect, that for a particular moral judgement to be rational the judger must be willing and able to accept it also in its universalized form. And the form of inference in which one states (a) a moral principle and then states (b) particular circumstances in which the principle is to be applied, together with (c) the action-guiding conclusion that is derived from (a) and (b), let us describe as 'applying a universal rule'.

We should notice, in passing, that someone who holds a moral principle and accepts that it applies in a particular case and yet who then does not apply it, is also guilty of a form of inconsistency. He is not making quite the same mistake, however, as someone who accepts a singular moral judgement and who will not or cannot accept its application to all like cases, viz. negating consistency A. For the inconsistency involved when one fails to apply a universal rule to a relevant particular case is with respect to premises that the judger accepts. He accepts that 'One ought to keep one's promises' and 'This is a case where one ought to keep one's promise' yet concludes 'This promise ought not to be kept'. His "judgement" (sic) involves statements of the form R & -R, which is self-contradictory and cannot be argued. We will call the demand that our judgements must not involve contradictory reasons of the form R & -R, consistency B.[19]

There is a third aspect of the term 'judgement' that requires a preliminary explanation. So far I have assumed that moral judgements are the kinds of statement that must be supported by reasons. By this, I am not claiming that in any moral discourse those involved necessarily make moral judgements.[20] The assumption is that in any moral discourse we must have reasons when we do make judgements. That this assumption is warranted can be seen when we consider the alternative. Can a person say, for instance, 'Smith ought

to take his sick child to hospital' and then be unable to "back up" the judgement with a reason, or by a reference to a general principle? At first blush this does not seem to be intelligible. For there seems to be a logical mistake involved in saying "I judge that X morally ought to do F but I don't have any reasons for judging so". There are, as we shall see, acts of decision in moral contexts for which no supporting reason can be given (see pp.384-385 ahead). However such decisions should not, I think, properly be called 'judgements'. For one cannot judge, in moral contexts, without some discrimination of the features of the situation about which the judgement is made. So that if I say to you "I judge that X ought to do F", it is always in order to ask me "Why ought X to do F?", i.e. in virtue of what reasons ought X to do the action? I may not be able to formulate my reason(s) immediately, especially if the situation is complex. But I must have a reason(s) which in time could be produced, if what I say is to count as a moral judgement.[21] If I have not, you would say, I think, that I should retract my assertion, or at least think twice about reiterating it.

There is a fourth and quite different matter that needs to be mentioned concerning a presupposition we will make about the person who makes such a judgement. In the pages ahead I will argue that the idea of making a moral judgement requires the judger to be, indeed insists on his being, self-determined in the sense of making his own judgement. His morality consists, so to speak, not in what other people judge he ought to do but in what he judges he ought to do. It is on these grounds that we hold him responsible for his judgement and subsequent behaviour. To praise or blame him for something he has done presupposes that he has, or could have, chosen to act in this way. For the moment all we require is to note that in contexts calling for a moral judgement, our judger is required to choose for himself what he will do, (with the proviso that he is willing to U.R.

universalize his judgement).

Something needs to be said now about the awkward expression 'reason(s)' I have been using. The fact that it is raining is a reason for the judgement 'I ought to put up my umbrella'; the fact that I want to avoid catching a cold this winter is a reason for my taking vitamin C in the summer and autumn; the fact that I have a desire to please my friends is a reason for deciding that I ought to give a party, and so on. Of course, being aware of a fact or bringing it to another person's attention, does not create a reason; rather, when he is informed of the existence of the fact, this makes it possible for the autonomous judger to take it into account as a reason in his judgement.

The fact that it is raining is a reason for the judgement 'I ought to put up my umbrella'. So is the fact that people get wet if they are out-of-doors when it rains. So is the fact that I want to test my umbrella to see whether it is in working order. Assuming that all of these facts obtain, do we now have three distinct reasons for the judgement 'I ought to put up my umbrella'? I think the answer is that normally we would say we do not. It seems more plausible to claim that there are two distinct reasons. The facts 'It is raining' and 'People get wet when they are out-of-doors in the rain' belong together. They make just one reason, each being part of that reason. On the other hand, my desire to test the umbrella forms a second distinct reason, (though it may reinforce the other). In other words, normally we would say that some reasons belong together, each of them being part of a complete reason.

How are we to pick out those reasons which belong together from those which, by themselves, form a complete reason? As J.Raz (1978:5) argues:

> ...the term 'reason' does not help...it is used to refer to partial reasons as well as complete ones.

The answer is to be found in the relation between the reason(s) and the associated judgement. A judgement can be supported by redundant reasons; this is to say, reasons the

omission of which would not invalidate the judgement. On the other hand, some reasons are necessary. Without them the judgement could not be made. So let us say, following Raz (ibid), that whether it is just one reason or a number of them together, all of the reasons that are necessary for a given judgement form a 'complete reason'. To put the point differently: the reasons stated in the premises of a practical judgement, with no redundant premises, constitute a complete reason. And let us, from here on, use 'reason' to mean the complete reason for a conclusion of a judgement. (Even so, as we saw in the umbrella example, one judgement can be supported by a number of different complete reasons.)

One other point we should notice at this stage concerns the nature of the reasons we give to support a particular moral judgement. We noted earlier that in most types of singular empirical judgement, the particular reason given in support of it, appears to state, presuppose or imply a general reason. This can be seen clearly in judgements where 'because' - and related inferential terms, viz. 'the explanation of', 'the evidence for', 'a sufficient reason for', 'a prima facie sound reason for' - indicates the reason for the judgement. Consider again the three simple examples above: (i) This horse is a racehorse because it has a pedigree and it can run fast; (ii) If I go out now I will get wet because it is raining; (iii) I have a toothache because of the decay in my tooth. In each case it is obvious that a general reason is implied by the proposition which follows the 'because' clause. The reason in (i) will imply or presuppose the general reason 'Any horse with a pedigree, that can run fast, is a racehorse'; similarly the reason in (ii) implies the general reason 'When people go out in the rain they get wet'; and (iii) implies the general reason 'Any individual with his tooth in such-and-such a condition of decay will suffer a toothache'. As M.Black (1952:324) writes:

> When we say that the decay in our molar is the cause of the toothache, we imply that if these conditions

> were repeated (the same state of decay in the tooth, the same condition of the nerves, and so on for all of the other factors concerned) - toothache would result.

There would be no significance to the assertion of causation here unless we meant to assert that whenever a given occurrence happens (decaying tooth, etc.) then another occurrence happens (toothache). In all such judgements, to the effect that something happens because of something else, a general reason is implied by the proposition which follows the 'because' clause. And if a general reason or rule is given or implied, then all of the instances of it are implied.

For the moment, we will assume that reasons in particular moral judgements are analogous to empirical 'because'-reasons in that they possess the characteristic of implicit generality. This seems to be a reasonable assumption. We have seen that any particular moral judgement must be supported by a reason. If we make a moral judgement of the form 'X ought/ought not to do something F' we are required to have a reason R for or against judging so. In turn, the reason will state or imply a general reason. Though in singular moral judgements which are couched entirely in particular terms, just what the general reason is cannot be stated apart from the particular reason, since the latter is understood to specify or imply the grounds on which the judger regards persons or their circumstances to be relevantly similar.

I will discuss all of the points in this section in greater detail in the pages ahead. Before this, we need to discuss how the universalizability rule, U.R., works and to see if U.R. delivers any significant answers to the 'which moral judgements?' question. It will be necessary to restrict our discussion. Moral judgements, we noted, can be of many different kinds and they can be about many different things; for example, judgements of motive, about traits of character, or about the quality or worth of individuals,

life-styles, institutions, and so on. Let us focus for the moment on moral judgements about actions, such as those expressed by saying 'X ought/ought-not to do an action, or kind of act, F'. And let us concentrate on definition (2) above of U.R. I will try to show how U.R. provides a way of testing the rational acceptability of what an autonomous judger proposes morally ought or ought not to be done.

3. Some preliminary remarks about how U.R. works

In order to apply U.R. viz.

> If I judge that X morally ought to do F (...is right to do F, etc.) because of the reason R, then I must judge that anyone to whom R applies also ought to do F, (etc.)

it is necessary to fill in the content of the variables X, F and R. In a typical singular judgement, X will be the agent of the act; a personal pronoun or the person's name is substituted for X; F will be a morally required act (morally prohibited, morally permissible) that X ought to do; and R will be the reason given for X doing F. Consider the following singular moral judgement:

(1) Smith ought to take his child to hospital because she is very sick.

While (1) refers to a specific agent, doing a specific act in specific circumstances, if (1) is intended to be a rational moral judgement, the judger must also accept, on pain of inconsistency, the substitution of (1) into U.R.; viz.

(2) If I judge that Smith morally ought to take his child to hospital because she is very sick then I must judge that (y) (if y's child is very sick then y morally ought to take his child to hospital).

Clearly, from (1) and (2), taken together, we can derive a substantive universal judgement

(3) (y) (if y's child is very sick then y morally ought to take his child to hospital).

In (1)-(3) we are presented with a typical application of the universalizability rule. Premiss (1) is a singular judgement which the judger makes about a particular case. If it is intended to be a rational moral judgement then (1) must be U.R. universalizable. Premiss (2) is the application of U.R. If the judger will and can consistently substitute (1) into (2) he may claim that, to this extent, (1) has the status of a rational judgement. And (3) is the entailed universal moral judgement. Let us consider each step in a bit more detail.

Evidently, on line (1) we are concerned with a spectator judgement, i.e. a judgement made by one person, about the actions or duties of another (or of another group of individuals). There can be other substitutions, of course, for 'X' in 'X ought to do F'. For instance, X could be the equally familiar case where I am the agent of the act. For it to be universalizable whatever action I judge I morally ought to do, for the reason R, I implicitly judge ought to be done in the same or relevantly similar cases, (viz. those cases to which R applies).

Now there is room for discussion here. Are we to say, as H. Sidgwick (1907:379) says,

> ...if a kind of conduct that is right (or wrong) for me is not right (or wrong) for some one else it must be on the ground of some difference between the two cases, other than the fact that I and he are different persons.

In this passage Sidgwick is claiming, but not arguing, that in moral judgements numerical differences between one's own case and another's are irrelevant. The reason R cannot merely refer to a numerical difference. This is a controversial assumption.[22] To argue that we must universalize over cases which are the same in the relevant respects is one thing; to assume that numerical differences are irrelevant - only generic differences are relevant - is another. Someone might claim that simply because he is the particular individual he is, he possesses special rights or duties; or that because he belongs to a certain group, this

gives rise to a significant moral distinction. Or he might try to argue that one or more of his purely individuating characteristics - like because his name is Tom Smith, or because he is the author of so-and-so - constitute relevant grounds for difference of judgement.

At the same time, it must be said that we cannot avoid placing some such restriction on universalizable judgements. No two cases are ever exactly alike. As J.L.Mackie (1977:83) notes:

> ...even if they were (alike in every other respect) they would still be numerically different just because they are two.

So if the universalizability requirement is not to be hopelessly otiose as a criterion for testing the rationality of a moral judgement, we need to rule out at least numerical differences between individuals as irrelevant. (We will return to this point later.) For the moment, let us proceed on the assumption that numerical differences are irrelevant.

On line 1, '...taking his child to hospital' is the description of the act which it is judged that Smith is morally required to do. Obviously there are other possible substitutions for F. For instance, the substitution here could be an act-description of a morally prohibited action e.g.'...to cause his child to suffer unnecessary pain', or the substitution could be a morally permissible act, (or, as we shall see, the substitution for F might be a description of a motive, character trait, life-style, etc.).

Once again there is room for discussion. Why rationally should Smith regard a certain action as obligatory, especially if it conflicts with other actions that he has planned to do? And of those that he does regard as obligatory, how should he decide which of the possible actions should be given precedence over others? These are central questions which any moral theory worth the name needs to answer.

Finally, in premiss (1) '...because his child is very sick' is the reason for the proposed action. There might be other things that Smith had planned to do or would rather be doing, like, say, going to the theatre. However the judger believes that in the circumstances the reason given in (1) is the weightiest or overriding reason.

A point to notice here is that I am presenting a model of a singular moral judgement in which facts are adduced in support of a moral conclusion. Suppose that I am asked "Why do you think that Smith ought to take his child to hospital?". I might reply by indicating certain facts about the child's condition: "Because she has broken her leg and is in excruciating pain". Actual reasons that are given, of course, are not always of this kind. Sometimes they are, or include, non-factual assertions like "Because it is the right thing to do". This might seem to spoil the neatness of my claim here, but it does not. For in such cases, the reasons themselves will be moral judgements that will need to be defended by further statements of fact. So that ultimately, as we shall see, the reasons that we universalize in singular moral judgements are facts, or are reducible to facts. Let us look now at premiss (2).

Premiss (2) is the application of U.R. to (1). For it to be a rational moral judgement, we need to check that our singular judgement is genuinely universalizable. To put the point differently, the judger must regard the reason he has given to be the relevant grounds not only for the ought-judgement's applicability to Smith but for its applicability to all other parents similarly circumstanced. How is he to ascertain this?

To universalize, he must ensure that he is willing and that he is able to consistently extend (1) to all relevantly similar cases; any relevantly similar agent performing a relevantly similar act, in relevantly similar circumstances. To make sure that (1) is universalizable, this is to say, he needs to consider not only actual cases but also

hypothetical cases. The judger needs to ask himself: is R a reason (i) why X morally ought to do F (or something like F) again in the same or similar circumstances? (ii) why someone else Y who is the same as X in the relevant respects, ought to do F, or something like F, in similar circumstances? and (iii) why F, or something like F, morally ought to be done to X in similar circumstances? We need to consider all hypothetical cases because only by doing so are we able to maintain that our judgement is (fully) consistent. If the judger is able and willing to universalize it so, then he can claim that his judgement does not run up against logical inconsistencies or other rational constraints, or that it does not force him to endorse things that psychologically he is unwilling or unable to accept. I will say more about hypothetical cases shortly.

For the moment it is worth stressing that U.R., by itself, cannot provide us with the content of universalizable judgements. U.R. has to be applied and in applying it we have to take into account facts about the world in which it is applied. Thus it is a factual claim (viz. the reason R) on line (1) which provides us with the relevant characteristics which then have to be combined with the universalizability requirement, on line (2), in order to produce the content of the universal judgement, on line (3).

Line (3), then, is not the universalizability requirement. It is the result of universalizing. The universalizing takes place on line (2). Someone who has doubts about the universalizability thesis in moral contexts, has doubts about the legitimacy of an inference like that on line (2) for certain types of moral judgement. This usually takes the form of a denial that U.R. is a necessary condition for certain cases. Similarly, the claim that universalizability is trivial must be brought against line (2), not against the eventual failure of line (3) to give us a genuine, universal moral principle.[23]

We need now to look in more detail at the claims made above concerning stage (2) of our example.

4. Unacceptable and impossible hypothetical cases

I have said that to test whether or not a singular moral judgement is fully U.R. universalizable, one must include in one's considerations at stage (2) all relevantly similar cases and ask whether the same action F ought to performed for the reason given. So that where my singular moral judgement concerns an action F that I ought to perform, stage (2) considerations must include not only

(i) myself doing the same or a similar action F in similar circumstances

but also

(ii) others doing the same or a similar action F

and

(iii) their doing F to me (when I am the patient of the act), in similar circumstances, (see p.18).

On this understanding of U.R., moreover, to see that a judgement is genuinely universalizable, one must include not only other actual cases, but also hypothetical cases; e.g. possible future cases, relevant counter-factual past cases, etc. Needless to say, each of (i)-(iii) can be quite complex.

Consider case (i). When judging my own conduct, if I claim 'F is what I morally ought to do', by U.R. I am committed to judging that in relevantly similar past or future circumstances I ought to have acted/ought to act likewise. To fully cover the hypothetical requirement, I would need to consider cases, for instance, where I regret my present judgement. The point here is quite a simple one. When deliberating about whether or not I morally ought to take my child to hospital because she is sick (rather than go to the theatre), I must consider the hypothetical case in which I wake up tomorrow regretting the judgement that I made today. Tomorrow's hypothetical regretative judgement

'Would it were that I had taken her to hospital last night', in other words, is a relevant case to be included in my present deliberation. Similarly, I should consider the hypothetical case in which I am glad about my past judgement. (For the purposes of universalizing a judgement, let us regard such hypothetical cases as if they actually occurred, or as being on equal footing with those that actually occurred.)

We can mention now one class of judgement that is forfeit as a result of applying U.R. These are singular judgements where the judger will not accept one or more of the further hypothetical-case judgements which the universalized form enjoins. If he will not accept a hypothetical-case judgement this can indicate that he does not really accept the present one, his insincerity being shown by his unwillingness to accept the implication of his original judgement. On the other hand, we might add for future reference (see p.113) that his sincerity is demonstrated by his willingness to universalize it, or by the indignation he shows at the deviation of others or, perhaps, by the guilt that he feels at his own deviations from it, in past or present cases.

When a judger is unwilling to universalize his singular judgement, we noted, this can indicate that the beliefs involved are not sincerely held. Let us suppose that I say 'I ought to take my child to hospital today because she is very sick' but I go on to say, without any further explanation 'I ought not, ceteris paribus, take her to hospital if she is very sick tomorrow'. Without further explanation it seems to be the judgement of a madman. Where the inconsistency is so patently obvious, I think that you would question the sincerity of my original judgement.

Consider now condition (ii) above. We have seen that U.R. applies to spectator judgements, e.g. 'Smith ought to take his child to hospital because she is very sick'. By condition (ii) the same spectator judgement must be accepted

not only for other actual cases but also about other hypothetical, past or future cases. If I make such a judgement about Smith's conduct, I need also to include in my present deliberation, for instance, a consideration of the past case in which Jones' child was very ill. Let us suppose that I admit that there are no relevant differences between the two cases. I think, however, that Jones ought not to have taken his child to hospital. If this is the case then I must, on pain of contradicting myself, give up the claim that Smith ought to do this. Again, few of us would commit such a blatant inconsistency. If I do, what it shows is that either I do not sincerely hold my present judgement or, what is more usual, I am using one standard for Smith and another for Jones.

This is a common error that we use hypothetical spectator cases to expose. Usually we ask the judger to apply a harsh judgement he makes to a relevantly similar case involving someone for whom he particular cares. Suppose that Smith judges that the treatment of Jones, a stranger, is morally justified. We can ask him to consider a relevantly similar case in which he applies the same judgement to a friend. Would he be willing to make the same judgement about the friend? If not, the explanation of the inconsistency is likely to be that Smith is using a double standard.

Often we combine cases (i) and (ii) in arguments. The double standard in question usually involves a case in which the judger accepts the singular judgement that he morally ought to do F himself but he would not accept the hypothetical case in which another person does F. A good illustration of this is Kant's (1785:85) celebrated example of false promising. Suppose that Smith is driven to borrow money because of need. He borrows the money from Jones, knowing that he will not be able to pay it back, but he sees too that he will not get the loan unless he gives Jones a firm promise to pay it back within a fixed time. So Smith makes a false promise to Jones. Now suppose that Smith

refuses to accept the idea of Jones making the same false promise to Brown in similar circumstances. We would accuse Smith of having a double standard; or, more prosaically, of refusing to accept the logical consequences of his original judgement.

Double standards of this sort, of course, are not always self-interested. Suppose, for instance, that Smith habitually smokes cigarettes and that he refuses to stop because he does not regard his own health as important. Let us suppose also that Smith has teenage children of whom he is very fond. Although Smith doesn't care about his own health, he wouldn't want anything bad to happen to the health of his children. We might ask him whether he would accept the judgement 'One ought to habitually smoke' when applied to his children. No doubt Smith would shrink from the idea. If he cannot accept the idea of his children endangering their health then, ceteris paribus, he should not endanger his own. So once again the use of the hypothetical case can expose the inconsistency of applying one standard of right and wrong to oneself and another standard to others; or it can show the insincerity of one's commitment to the initial judgement. Needless to say the latter judgement is rationally forfeit when the judger will not accept one or other of its universalized forms.

We come now to a different type of restriction which results from applying U.R. To universalize, a judger must satisfy himself that he is rationally able to both adopt the judgement as a guide to his own conduct and at the same time accept that other like cases could do so also. And many singular judgements are ruled out because they cannot logically meet this demand. To see this, we need to assume the rule that 'ought' implies 'can'. If it is claimed, in a morally relevant sense of 'ought', that X ought to perform a certain action F this means, at the least, that it must be logically possible for X to perform (or to have performed) the action in question. When we assume this rule then cer-

tain singular judgements must be rejected because they logically cannot be followed when universalized.[24] The types of judgement that I have in mind are either self-frustrating or senseless in their universalized form.

A singular judgement is self-frustrated when universalizing, if its purpose is thwarted as soon as one tries to apply it to all relevantly similar cases. A familiar example here is 'I will not help others but will always accept their help'. Such a judgement is not self-contradictory, for I (exclusively), or I, Smith, and some others, could adopt it. But it is rationally objectionable when we attempt to universalize it for all hypothetical prima facie like cases. For if this judgement were to be applied universally then the adoption of the first half would frustrate what is obviously the point of the second half, namely to get the help of others when we need it.

Perhaps a more interesting type of judgement that is frustrated when we attempt to universalize it over all prima facie like cases, is of the form 'I will play only if I can win'. Most competitive games are such that it is logically impossible for everyone to win. In order for Smith to be said to have won a game of chess, for instance, he must have an opponent who has lost. Since necessarily not every competitor can win, the judgement 'I will play only if I can win' is impossible when applied to all prima facie like cases. The point of such a judgement would be frustrated if it were adopted universally.

Another type of judgement, while not self-frustrating, is senseless when we attempt to universalize it over all relevant cases. Consider an example borrowed from K.Baier (1958:197):

> Always assert what you think not to be the case.

No matter what the reason is to justify the judgement, if this is supposed to be a directive for all persons it would eventually lead to a breakdown of all communication. As we shall see, a distinction between true and false statements

- and therefore the conception of a statement simpliciter - depends upon the presumption of a general adherence to the norm of making true statements, (see pp.290-295 ahead). I will argue, however, that such a statement is not self-contradictory, or self-frustrating, as a result of applying U.R. Nevertheless it does not make any sense when the implications of its universalized form are spelled out.

To say that a moral judgement is universalizable, then, implies that it is logically possible for relevantly similar agents to do the act in question, (in the rather pallid senses of 'logical possibility' above). But there is more to the matter than this. When we say that someone X ought to do F, in a morally relevant sense of 'ought', we imply that he is not constrained or impeded in any physical or psychological respect, so that X can weigh our judgement and then, if he chooses, he can act upon it. This is to say, we imply that it is not only logically possible but materially possible for him to do F. The judgement is understood to be a realistic guide to his actions. In a similar way, it is pointless to tell X that a certain character trait F is good, or morally required, if it is not a trait that a human being can, as an empirical fact, possess. F must be applicable in the sense that it does justice to what persons are, or have it in them to be.

There is a point that is often overlooked here. A parallel argument to the one above applies to the universalized form of judgements. In a morally significant sense of 'can' or 'could', which goes beyond logical possibility, for a singular judgement to be universalizable it must be materially possible not only for the subject of the judgement to do (or to have done), but for all prima facie like cases to do the act in question. This is particularly important for judgements where the reasons are claimed to be universally applicable. It must not only be logical possible for everyone to do what the judgement requires, it too must be materially possible for them to do

it. It must be the type of action that anyone can perform, or the kind of motive any moral agent can have.

Let me put this point in a different way. In the analysis which follows I hope to show that an interpretation of U.R. can provide an answer to the question 'Which moral judgements ought anyone to make?', where the answer given will apply to everyone alike. And, clearly, we cannot universalize judgements containing reasons which it would be materially impossible for all human beings to choose to do, or to choose to avoid doing. And there are certain act-descriptions which, when universalized, all moral agents could not physically or psychologically do. So when we are universalizing, we need to recognise the implications of a singular moral judgement in terms of what it implies human beings are like, or could be like. Such judgements are rationally forfeit where the universalized form describes a manner of existence to which it would be materially impossible for all human beings to degenerate or which would be materially impossible for them all to attain.

We need to mention also other types of judgement which are impossible if we assume, quite reasonably, the rule 'ought implies can'. First of all there are those which are incoherent, simply because they express mutually incompatible objectives. A judgement might be said to do this if the reason expresses, say, the intentions both to be gregarious and affectionate and to have cool relationships with all of one's acquaintances, or to be both popular and reclusive, and so on. Another type of judgement that is incoherent is one where its point is defeated as soon as the judger lets it be known that he has adopted it, (for actual or hypothetical cases). For example, if Smith lets Brown know that he does not believe that one morally ought to keep promises to repay borrowed money, at the time when he promises to repay Brown, then his promise to repay is self-defeating. As K.Baier (ibid) suggests:

> ...any remark that throws doubt on the sincerity of the promiser will defeat the purpose of making

a promise.

The type of cases that can be shown to be conceptually incoherent or self-defeating are *a fortiori* non-universalizable.

We will conclude our discussion of unacceptable and impossible type (i) and (ii) cases here. At this point in the essay, let it suffice to say that singular judgements which the judger is unwilling to universalize or that become logically or materially impossible when he tries to universalize them, cannot belong to the morality of a rational person. I want to consider now hypothetical cases of type (iii).

A further test that the moral judger must perform, to see whether or not a particular judgement he is making is really universalizable, is to imagine the hypothetical case in which his own judgement is a directive guiding the actions of others towards himself. In effect, the judger must put himself in the position of all other persons who are affected by the judgement. Thus if I judge that it is morally right for me to do F to you then, to be universalizable, in a real or hypothetical tables-turned case, I must accept that it is morally right for you to do F to me. This is, of course, a version of the Golden Rule. We can show that it logically follows from U.R. by the following conditional proof:

(i)	I judge that I morally ought to do F to you, for the reason R.	Hypothesis
(ii)	I judge that someone morally ought to do any act which is the same in the relevant respects as my doing F to you	(i), by U.R.
(iii)	Your doing F to me in a tables-turned situation is the same in the relevant respects as my doing F to you.	Analytic
(iv)	You morally ought to do F to me in a tables-turned situation	(ii), (iii)

The value of the reversibility condition is obvious. For what a person claims morally ought to happen when he is a judger is often not what he claims ought to happen when he in the recipient's shoes. Thus, once again, the use of hypothetical case considerations can expose an inconsistency; that of applying one standard of right or wrong to oneself and another standard to judgements directed against oneself.

However it is difficult to know what exactly we are to make of the demand that, when making a moral judgement, we must put ourselves in the position of other persons who are affected by it. Surely one's own and another person's circumstances will include our different desires and interests; we will have different mental and physical characteristics, different abilities, resources, social positions, life histories and even different ancestries. So how exactly is this to be done?

5. To universalize in propria persona

How are we to construct hypothetical cases in which we can put ourselves in our recipient's shoes? One possible answer here is to use what, following R.M.Hare, we will call (i) 'the universalizability in propria persona test'. Hare (1963:108) writes of this requirement:

> ...when we are asking B to imagine himself in the position of his victim, we phrase our question ... 'What do you say (in propria persona) about a hypothetical case in which you are in your victim's position?'

In other words, we ask the judger simply to consider the hypothetical case in which he is on the receiving end of his own judgement, still with his own preferences, values, life history, and so on. In this way there is a sense in which his own and the recipient's positions are reversed yet the judger's personal identity is preserved. This is a common use of hypothetical case arguments; and a common example used to illustrate it, is the case of the racist in South Africa.

Let us suppose that Smith is a white South African employer who refuses to hire Jones because Jones is a black man. Using the in propria persona strategy we might ask Smith to imagine the hypothetical situation in which black people control most of the wealth and the power in that country. In these hypothetical circumstances would Smith accept that a black employer, now Jones, ought to refuse to hire a white person solely on the grounds of his colour? If Smith refuses to accept that Jones morally ought to behave in this way, we can convict Smith of violating U.R. Smith is refusing to accept the logical consequences of his original judgement. Of course he may refuse to employ Jones and not bother that his act cannot be rationally justified. However if he is concerned with the rationality of his judgement and he finds himself unwilling to accept the idea of Jones doing the same thing to him in similar circumstances, then Smith rationally cannot accept his original judgement.

To universalize for all hypothetical cases in propria persona we might allow not only for changes which may as a matter of causal possibility come about but also for certain differences of conditions and reversal of roles which empirically could not occur, so that it takes effort to imagine the hypothetical case. For example, we might ask Smith to consider the tables-turned case in which he, Smith, is a black man and Jones is white. Would he, Smith, still accept the judgement if Jones refused to hire him because of his colour? If Smith refuses to accept the hypothetical case, we can convict him of double standards. He is refusing to accept the logical consequences of his original judgement.

We need to extend the in propria persona strategy to multilateral cases. In the racist example, where there are a number of individuals affected by his judgement, we must ask Smith to test it by imagining himself in the circumstances of each person affected by whatever action he

proposes to perform. In this way, Smith can determine whether or not he would consent to the judgement if he knew that in each case considered he would be on the receiving end of the action. Only if he would so consent, in each case, can he claim that his initial judgement is really universalizable. And, as Hare (1978:77-78) notes in the racist case, it is unlikely that Smith would judge in the way he proposes, if to do so would mean that he would be so disadvantaged.

It seems, then, that the extension of U.R. to hypothetical cases in propria persona can be an important dialectical tool in moral reasoning. The question of the status of the universalizability thesis can still be answered as before. Our basic universalizability rule U.R. has been shown to be a substitution into the principle we have called consistency A, a morally neutral and necessary principle. And the extension of U.R. to cases in propria persona retains the hallmarks of consistency and neutrality. It is neutral, this is to say, with respect to contestable moral commitments.

We can see this more clearly perhaps - viz. that to universalize in propria persona retains the neutrality of U.R. - by considering two alternative accounts that Hare gives of the reversibility condition, both of which Hare seems to think are part and parcel of the in propria persona test, yet which go well beyond consistency A.

Hare's second version of the reversibility condition, we will call (ii) 'the role-reversal test'. When formulating a moral judgement, Hare (ibid:94) tells us that the judger

> ...must be prepared to give weight to (another person) A's inclinations and interests as if they were his own.

On this account, as a matter of logic, the judger must not simply imagine himself in the other person's shoes while retaining his (the judger's) own preferences, values etc., rather, he must consider the hypothetical case in which - so to speak - he is in the other person's mind, with that

person's preferences, interests, and values. He must then formulate judgements, Hare suggests, from both his own and the other's viewpoint.

In simple bilateral cases this result appears to be achieved when one asks oneself whether or not one would assent to a conditional of the form: 'If I were in the other person's position, having his desires, values, interests, etc., how would I react to the thought of someone doing what I am proposing to do, to me?'. In many everyday cases the judger would not need to know all of the properties the other person possesses and then imagine himself having all of these. Clearly, this would be an impossible requirement. Presumably, in many cases one would not need to know very much about the other person. For example, to decide to be polite to a shop assistant, it suffices to recognise that he, like almost everybody, prefers politeness to rudeness.

Hare (1981:111) gives us a clear example of the kind of thing he has in mind. The case he cites is one where Hare wants to leave his bicycle in a place where another man wants to park his car. Both parties desire to leave their vehicles where they are, but Hare's desire to leave the bicycle is less than the driver's desire to park his car. Hare concludes that using the role-reversal strategy, he will judge that his bicycle ought to be moved. This is because he has two desires, (ibid)

> ...the original desire to leave my bicycle where it is, and my acquired desire that were I the other party I should be able to park my car and the latter will be stronger.

In multilateral cases, of course, considerably more knowledge of the preferences involved would be needed. Somehow I must imagine myself possessing all of the inclinations and interests of those affected by my judgement, as if they were my own. This brings us to another form in which Hare suggests the reversibility test occurs.

Let us call the third test (iii) 'the ideal observer test'. (It is the one which, Hare (1963:94) tells us, has

affinities with Ideal Observer theories.) He (ibid:117) writes:

> ...in the multilateral situation the agent has to consider the interests of every person who is affected.

Where there is not one other person but indefinitely many, in making a moral judgement I must imagine myself possessing the desires, (preferences, interests, values) of all those affected by my judgement, as well as my own. I must then give equal weight to all of these desires (etc.). But how does this lead to a determinate moral conclusion? How is my taking into account the multiplicity of desires supposed to issue into a moral judgement? Hare's answer is that by adopting the role of the ideal observer, I will take into account my own original desire and the positive and negative desires of all of those affected by the act as if they were also my own, I will then rationally satisfy **my** strongest desires or interests. Let us suppose that an action I plan to do will have adverse effects on Smith, Jones and Brown. What I must do is imagine myself in the place of Smith, Jones and Brown, with their desires, etc., as well as my own. In particular, I must imagine myself having their desires against my planned action. And when imagining all of this - my own original positive desire as well as those of Smith, Jones and Brown - I will choose to forego the planned act because doing so is now in accord with my strongest desire. In this way, I take up the role of the ideal observer.

Hare (ibid:117) gives an interesting example which illustrates the difference between role-reversal and multilateral application, in his account of the judge who decides that he ought to send a man to jail for theft. On the role-reversal account (ii), the judge is required to imagine what it would be like in the thief's situation; since the thief has a very strong desire not to be sent to jail, the judge would probably not imprison him. However, as Hare notes, there are other third-party implications that

have to be included in his decision. The judge has to consider the interests of every person who might reasonably be thought to be affected by his judgement. Taking all of their positions together, his judgement that the man must go to prison would give more people more of what they desire than would any other.

We should note here that although it is different, test (iii), (the ideal observer test), is not an independent test but it is an extension of (ii), (the role-reversal test). Both (ii) and (iii) require that in one's moral judgement one must give equal weight to the interests of all of those affected by the proposed action. In both tests, I can do this by imagining that all of the desires involved are my own. Thus the judgement I accept will be in accordance with my resulting strongest desire.

Hare appears to think that the 'equal weight' requirement follows from the universalizability rule. Of the former he (ibid:118) writes:

> It must be emphasized that it, like the principle of universalizability itself, is a purely formal principle, following from the logical character of moral words;...

As a matter of logic, I must imagine myself possessing all of the desires (etc.) of each and all of those affected by my judgement.[25] The demand that equal weight should then be given to their desires is a corollary of the universalizability requirement.

Can tests (ii) and (iii) be established as fundamental and inescapable principles of logic? I will answer this question fully later (pp.117-124). For the moment we need only note that, unlike the test in propria persona, to say that 'one should give equal weight to the desires of everyone affected by the judgement' is not a neutral requirement. The issue between someone who asserted it and someone who denied it would be a moral issue. Anyone who asserts it is taking a moral stand which someone else, quite reasonably, might not accept. For instance, where there is

a conflict of desires, someone might think, quite reasonably, that the moral thing to do is to give more weight to the desires of members of his own family or, perhaps, to those desires that deserve to be satisfied. He might argue, for instance, that people are so different in certain respects - some are kind others are cruel, some work hard others are lazy, some are generous others are avaricious, some have integrity others do not - that we do not have an equal right to our desires and interests being taken into account. Now such a claim might be thought to be a moral anathema yet it is not self-contradictory or rationally incoherent, neither would such a claim violate the other constraints imposed by U.R. The point is, the denial of hypothetical considerations of types (ii) and (iii) seems to be perfectly intelligible in moral discourse.

On the other hand, the denial of in propria persona considerations would not be in order. Given its extended interpretation in propria persona, U.R. commits us to nothing more than the rejection of (actual or hypothetical) inconsistent judgements, logically or materially impossible judgements etc. It does not commit us to any consideration of the desires, preferences, interests of other persons, when making a judgement. Far less does it commit us to putting those desires (etc.) on equal footing with our own. Thus while in propria persona considerations may be a neutral extension of our U.R. principle - neutral, that is, to all moral theories - the role-reversal and ideal observer reversibility conditions do not appear to be. We will return to this discussion in Chapter Three.

I want now to compare, briefly, U.R. with other approaches to the universalizability thesis.

6. U.R. contrasted with other accounts of universalizability

What has been established so far? I have claimed that to pass rational muster we must be willing and able to U.R.

universalize our singular moral judgements. I have attempted to show how the U.R. rule is based upon a principle of consistency A. Since it is just the term we are using for deontic applications of consistency A, U.R. enjoys the advantages and places the same constraints on judgements as consistency A. If the latter is a necessary condition of singular moral judgements, then so is U.R., (see pp.55-59 ahead).

I have indicated how U.R. works and we have noted its extension to hypothetical cases, *in propria persona*. We have seen that regarded in this way U.R. is capable of powerful employment in moral argument. Someone who will not or cannot universalize his singular judgement for all hypothetical cases *in propria persona* contravenes consistency A. His refusal usually indicates his insincerity or his use of double standards. On the other hand, he is unable to universalize a singular judgement when the universalized form is logically or materially impossible. If a judger will not or cannot universalize, he should withdraw his original judgement.

In addition to the points above, I hope to show that an extension of U.R. imposes other significant constraints on judgements, (concerning choices of action, defensible conduct, character traits, etc.). I will argue that although the principle itself is a logical thesis, an extension of U.R. has definite moral implications. When it is applied to certain morally neutral premises, moral conclusions can be obtained from this rule. Hence U.R. is not merely a logical thesis.

This brings us to another advantage that deserves to be emphasized; U.R. is a theory-neutral rule, in the sense that it does not commit us to any contestable moral assumptions. It might be objected that the account so far involves a preference for consistency as opposed to inconsistency, or rationality as against irrationality and so U.R. is not value-neutral. As far as I can see this is not a defect.

Any attempt to give an account of any rule will involve some such normative evaluations. The point is that the evaluations we make and the kind of reasoning by which they are supported, must not depend upon contestable moral assumptions. This is what we will mean by 'a theory-neutral rule'.

It is worth emphasizing that U.R. universalizability has been shown not to be based upon contestable value assumptions. If, as we add to the account, we continue to achieve this sort of neutrality, our final interpretation of U.R. will be morally neutral. This is a prize worth having. For we are prone to challenge moral judgements or principles, if for no other reason simply because moral judgements or principles are considered to be the kind of statements that are controversial and should be challenged. Usually the controversy concerns the moral rights or wrongs of the principle in question. On the other hand, we are more likely to accept a principle if it can be shown to be neutral with respect to any moral theory. For when it is so regarded, it is no longer subject to attack on moral grounds. If it is thought to be controversial, it must be shown that it is not a logical or rational principle in the senses that it is claimed to be. For this reason it is important to make clear that U.R., and the extended interpretations of it which follow, do not involve contestable moral assumptions. Otherwise, as Hare (ibid:31) suggests in his discussion of universalizability:

> ...the objection will be made that a moral principle has been smuggled in disguised as a logical doctrine.

I hope to show that a non-contestable expanded version of U.R. is possible from which, nonetheless, moral conclusions can be derived.

The argument for basing universalizability on consistency is further strengthened when we consider some of the alternatives to this. Earlier in this essay (pp.3-4), we noted other renderings of the universalizability thesis,

e.g. 'the Categorical Imperative', 'the principles of impartiality' and 'fairness', a form of the question 'What if everyone did that?' and so on. Let us see if any of these alternatives provides a more rigorous or perspicuous account of the universalizability thesis.

Kant's (op cit:67) first version of the Categorical Imperative, it will be recalled, states:

> ...I ought never to act except in such a way that I can also will that my maxim should become a universal law

According to Kant, in our moral reasoning we begin with a maxim - what he calls 'a subjective principle of action' - the scope of which is confined to the agent himself; e.g. 'I will do F in such-and-such circumstances'. The Categorical Imperative then directs us, sub specie logicae, to replace the constant 'I' with a universal quantifier; thus 'Everyone will do F in such-and-such circumstances'. The new universalized judgement is the one upon which further tests of consistency are then performed; viz. Is the universal judgement one that I would be psychologically willing to accept? Is it self-contradictory or, in some other way, self-defeating? and so on. (Fortunately this is not an essay in Kantian exegesis, so I do not feel obliged to defend my stark outline of Kant's famous thesis in any detail.)

Like Kant, I too have formulated the thesis in terms of normative judgements addressed to the agent himself, or to other particular individuals. Like the Categorical Imperative, U.R. then directs us, in the name of consistency, to replace the singular term 'I' with a universal quantifier and, at the same time, to check the judger's willingness and ability to accept the universalized judgement. I maintain, therefore, that the U.R. rule is roughly in line with Kant's first version of the Categorical Imperative, (though some major differences will be discussed in Chapter Seven). At any rate, it is not the significantly

different or perspicuous account of the universalizability thesis that we seek.

Could the universalizability thesis be better stated in terms of impartiality or as a principle of justice? I think not. We saw earlier that we cannot retain the goal of necessity and theory-neutrality if we try to derive it from the principle of impartiality, for so interpreted, universalizability is a controversial moral claim. We saw this when discussing Hare's view that to universalize requires that one gives equal weight to the desires and interests of everyone affected by the judgement. As we noted, anyone who asserts this is taking a moral stand which someone else, quite reasonably, might not accept. The same problem applies to D.H.Monro's (1961:163) version of the impartiality principle:

> One ought not to make exceptions in one's own favour.

As Monro points out, this too is a moral claim, (that is often smuggled into a theory under the guise of a morally neutral principle). The fact that controversy is possible is an embarrassment when the desideratum is to formulate an account of the principle that is independent of controversial considerations. In contrast, U.R. appears to be a non-controversial rendering.

A similar problem applies if we try to derive universalizability from the principle of justice. At first blush, they are quite different principles. According to the latter, for instance, two cases could be judged to be the same though they may be different in the relevant respects. Consider the following three statements:

(1) Two individuals should be judged to be the same or to be relevantly similar if their needs are the same, otherwise they should be judged differently.

(2a) Smith's and Jones' needs are the same so they should be judged to be the same or relevantly similar.

(2b) Smith's greater need is counterbalanced by Jones greater ability such that when considered from the

criteria of needs and ability Smith and Jones should be judged to be the same or relevantly similar.

Considerations of justice would lead many people to accept (2b) even though in terms of the criteria by which we assess them (viz. needs and ability), Smith and Jones are quite different. For when they are taken together, the differences in needs and ability might be thought, from the perspective of justice, to cancel each other out and so require that Smith and Jones be judged in the same way. On the other hand, U.R. (as our account of it so far stands), would allow (1) and (2a) but, if it does not rule it out altogether, tends to obscure the rational acceptability of (2b). This argument, I hope, is sufficient to show that the principles of justice and universalizability are different.

Some philosophers, following M.Singer (1961/1985), claim that the proposition 'An action is wrong if the consequences of everyone doing it are undesirable or disastrous' is a self-evident principle of morality. Could we find the independent support we seek for the universalizability thesis in terms of the a priori certainty that an act is morally wrong when the consequences of everybody doing it is disastrous? We shall see in Chapter Three that there are many reasons for not trying to justify the universalizability thesis in this way. I will mention one of them here. As we have seen, our account of U.R. yields restrictions on logical and material (physical and psychological) impossibilities. These cannot be dismissed as irrelevant by someone whose universalized judgement would lead to such consequences. However the significant question for a thesis which is based upon the undesirable or disastrous consequences of everyone doing what a judgement requires, would be 'undesirable' or 'disastrous' for whom? This is an embarrassing question if the idea is to put forward a principle of morality that is independent of controversial assumptions. For, in Singer's sense,

something will only count as a disaster if it does not depend on someone's particular theory of value, or interests. And it is not at all clear that we all share the same view about what is or is not a disaster. (Since the thesis will be discussed in detail below, we will leave the criticism at that for the moment.)

It does not seem then that we will find a non-controversial rational foundation for the universalizability thesis by trying to derive it from principles like those of impartiality and fairness. Neither will we find the foundation we seek by basing it upon a so-called self-evident moral principles concerning disastrous consequences.

What other alternatives are there to basing the rule on consistency? Perhaps, following H. Sidgwick (1907:380), we can understand universalizability itself to be a self-evident principle. If we were to assume this, viz. that universalizability is an a priori principle of reason - by which I take it we mean that its correctness cannot be denied by any clear thinking person - we would have to overlook the fact that some, presumably clear thinking, philosophers do deny it. A.MacIntyre and P.Winch, for instance, offer ostensibly moral judgements which they claim do not require universalizing. (I will assume that the claims made thus far concerning the non-contestability of U.R. will be accepted by the uncommitted reader.) Later I will argue that both MacIntyre and Winch are mistaken. The point to note here is that we cannot merely insist that universalizability is an intuitively correct principle, when this very self-evidence is denied. The affirmation of a conflicting intuition directed at an argument based on intuition, takes away the foundation of the latter. The necessity of the principle must be defended in substance.[26]

Let us try one last alternative to our account. Could we base the necessity and neutrality of universalizability on what Hare calls 'descriptive meaning-rules'?[27] For Hare, any

judgement which has descriptive meaning must be universalizable because (*op cit*:39):

> ...the descriptive meaning-rules which determine this meaning are universal rules.

The example which Hare chooses to illustrate this claim is 'This is red'. Hare calls 'This is red' a simple descriptive judgement. Applying the universalizability rule to it, he (*ibid*:11) writes:

> 'This is red' entails 'Everything like this in the relevant respects is red'...

Thus if I say X is red then, on Hare's version of the matter, it is the universalizability thesis, (not consistency A), which commits me to saying that anything like X in the relevant respects is also red.

He goes on to claim that moral judgements are also descriptive, viz. they contain terms subject to descriptive meaning rules. However moral judgements are also prescriptive. When we are trying to decide what we morally ought to do, we are looking for an action to which we can commit ourselves yet which, at the same time, we are prepared to accept as exemplifying a principle of action that can be prescribed for anyone else.

It is a peculiarity of moral terms in judgements then that they have both a descriptive and a prescriptive meaning. However, the point must be stressed, it is because moral judgements, like other value judgements, contain terms subject to descriptive meaning rules that they, moral judgements, are universalizable. Hare (*ibid*:15) writes:

> ...the feature of value-judgements which I call universalizability is simply that which they share with descriptive judgements; namely that they both carry a descriptive meaning.

Let me point out just one reason why I think his account here is defective.

Hare insists that decisions,[28] desires[29] and wants[30] are not universalizable. At first blush, this is odd. We were told that universalizability is due to the descriptive meaning of terms; thus 'This is red' is universalizable

because of the descriptive meaning-rules which apply to the terms involved. Why then, for the same reason, isn't e.g. 'This is wanted'. The terms that we use in stating wants, (decisions, etc.), also have descriptive meaning, or, rather, such statements contain words subject to descriptive meaning-rules. So despite Hare's disclaimer (ibid:157), on his account of the rule, universalizability would seem to commit the wanter to wanting whatever is wanted for anything exactly or relevantly similar.

However we are told that 'wants' are not universalizable. Presumably, this is because Hare wishes to say that a person does not have to have reasons for wanting something which then apply to anything similar; and if there need not be reasons why something is wanted, universalizability does not apply. But this explanation is not compatible with Hare's justification above of the universalizability rule. If universalizability bears the same relation to 'this is red' as it does to 'ought-statements', (by virtue of the descriptive meaning-rules involved), it would seem also to apply to statements concerning something that is wanted. If one feels that all of this doesn't quite make sense this is because there is something defective with this aspect of Hare's account of universalizability.

In contrast with Hare, in the next chapter I will argue that consistency A, not universalizability, serves wants, desires, (etc.) in the way Hare describes. While statements concerning wants must be used consistently, they are not universalizable. For as we have noted, since there need not be reasons why something is wanted, universalizability (even in this limited form) gets no purchase on wants.

Unlike Hare and the rest, I have tried to show that a version of the universalizability rule U.R. follows from the principle of consistency A. This latter principle is, in some sense, beyond dispute. However, in an essay of this sort, one ought to be able to make at least some suggestions in support of the claim that consistency A is necessary.

7. The necessity of consistency

On my account (thus far) U.R. is necessary because it is, so to speak, a fancy-dress version of consistency A.[31] If this is so, we need to say something about the necessity of the latter. Earlier we saw that singular empirical judgements can be substituted into consistency A. So we might be able to see more clearly why consistency A is necessary, by considering its application in empirical contexts.[32]

We noted that in an empirical inquiry when a person judges that a particular X is F **because** it has a property R, then R will state or imply the reason why the predicate F applies to X. The predicate applies to the subject because of the reason given. We noted also that although R is the reason for a particular empirical judgement, in most cases a general reason or rule is given or implied where 'because' - and related inferential terms (viz. 'the explanation of', 'evidence for', 'a sufficient reason for', 'a *prima facie* sound reason for') - indicate the reason for the judgement. Thus we expect and presume that when a person judges that X is F **because** of the reason R, he will judge that all other particulars X', X'',... which have been, are, or will be found to have R, are also F. This is to say, in effect, that we expect and presume the person to be consistent A in his empirical judgements. He would be said to be consistent A, (or may be said to be 'being consistent A'), when the subsequent statements he makes can be seen to be in accordance with the general empirical reason that he holds to be true in the particular judgement.

The assumption of consistency A in empirical contexts appears to be the very paradigm of inquiring rationality. We assume that in empirical contexts, the judger would be prepared and able to go beyond what is given in his particular judgement, to all relevantly similar cases which have not been or cannot be examined. If an experiment conflicts with this rule, we would question the accuracy of

the various stages of the experiment, or we might question the accuracy of the particular generalization with which we are working; i.e. we would say that R is not a sufficient condition for something being an F, after all. What we would not question is the basic rule. In other words, while we may question whether or not any or all of the particular generalizations that we are working with are adequate, (and, as a result, they are sometimes revised), we assume that the rule - we are calling it consistency A - is a necessary truth.

How are we to justify the assumption of necessity here? One possible answer is along the lines Hume (1739:343/4) gives.[33] It is just a fact of human nature that we do reason in this way. The rational person bases his beliefs about the empirical world upon evidence which in practice crucially depends on the outcome of procedures like consistency A. It is not that we must reason in this way, rather, it is just a fact that we do.

When it comes to moral contexts, this (putative) characteristic of human nature might be explained as follows: we are so used to meeting the demands of consistency A when making empirical judgements that we feel that it has some value in itself and therefore that it rationally ought to be pursued in moral contexts. Thus where there are prima facie good reasons for a particular moral judgement, we believe that the same judgement has been, is, and will be entailed in those cases where the same reason applies.

A weakness in this attempted explanation is that when it is applied to moral judgements, it takes some of the force out of the claim that U.R. is a necessary rule. Since it is just the way we happen to reason about empirical phenomena and since, ex hypothesi, our U.R. reasoning in moral contexts is analogical to this feature of empirical reasoning, there need be no necessity to ethical

consistency. U.R. merely happens to be a rule we use in moral contexts.

This brings us to a second possible way - and I think the correct way - to justify the demand for consistency A in empirical judgements, and this is along Kantian lines. Very roughly, a Kantian would say that we regard our experience of the world as possessing some kind of coherence or unity. If we did not, we would be faced by an indefinite succession of diverse and unconnected particular experiences. If this was the case, the result would not be experiences of an extraordinary kind but simply no experiences at all. Thus we may say a priori that coherence or unity of some kind is a fundamental condition of the possibility of experience.

Now this unity is bound up with the requirement of consistency. For when we speak of the unity of experience, in what does this consist? The unity in question is just what is exemplified in the process of reasoning we actually do employ. And, in particular, it is to be found in our presumption that in ordinary descriptive judgements, concerning what we see, hear, feel, etc., we are consistent A. Without a presupposition of this kind, the process of empirical reasoning would lack a kind of coherence. For it would seem to amount to a process in which one would judge that X is of a certain kind F, or will behave in a certain way F, because of a property R that X has, and then one would have to make the same judgement about the same thing - or about other particulars X', X'' that possess the same property R - indefinitely many times, as if they were all diverse or unconnected to the original judgement. An examination of the actual process of reasoning, on the other hand, will show that from what we observe in a particular case, we assume (whether justifiably or not) that this observation warrants the particular judgement, but also we presuppose that necessarily the same judgement will apply to all relevantly similar cases whose truth we have not directly confirmed.

A Kantian would argue, of course, that the necessity we find here is located, not in the objects of experience themselves, but in the inevitable workings of the human mind. It is (partly at least) due to the rational apparatus within the human mind that if we judge something to be true of a certain experience, we expect and presume it will be true of other experiences which are relevantly similar to that in the original judgement. The requirement of consistency A is part of our rational apparatus; meeting this requirement helps to give coherence to our particular judgements of present and past experiences, and it is by virtue of this condition that our expectations about future events and states-of-affairs in the world will be confirmed. Thus the necessity of consistency A may be thought to be due to its being an a priori condition of human reason.

By analogous arguments to the above, order of some kind is a necessary condition if we are to render coherent the diverse succession of individual experiences which call for moral judgements. If we did not assume that they possess some kind of order, we would have to allow for the possibility of an indefinite number of diverse and unconnected particular experiences upon which, for no apparent reason, we happen to pass the same or different moral judgements. When we speak of order here, in what does this consist? The order in question is just what is exemplified in the consistency we expect and presume in the judgements we make concerning what is good, right or wrong, ought or ought not to be done. To satisfy this requirement, if we judge that someone ought to do so-and-so for such-and-such reason, we presuppose that the same or a similar moral judgement applies when the same reason applies. This helps to give unity to our moral judgements about the present and past, and it is by virtue of such a rule that our judgements about hypothetical future states-of-affairs are rationally coherent.

Again, by parity of reasoning to the empirical case, a Kantian would offer a transcendental argument to the effect that we cannot help our presuppositions at this level. Our reason demands consistency A in our moral judgements as a condition of their intelligibility. To put the point in a different way: it is an a priori condition of human thought that demands that if we judge that a particular X ought to do F for the reason R then, at the same time, we presuppose anything which is the same as X in the relevant respects R, also ought to do F. There is no need to be troubled by the claim that we cannot help ourselves at this level, provided that we are convinced that the necessity is really the necessity of our thought rather than, say, a contingent psychological tendency.

I am maintaining that the requirement that we must be willing and able to U.R. universalize our singular moral judgements is analogous to the presupposition we make concerning singular empirical judgements, and that both can be understood as being instances of consistency A, which I am proposing - and this is no more than a proposal - is an a priori necessary condition. A closer inspection, unfortunately, reveals many grounds for doubting the efficacy of the proposed analogy. This is one of many problems confronting U.R. Let us consider some of the more troublesome ones.

8. Some problems for U.R.

Firstly, judgements that are plainly non-moral appear to pass the tests imposed by U.R. As we have defined it so far, this rule places few restrictions on the content of moral judgements. To claim that 'X and Y are alike in the relevant respects' is simply to say that they possess a feature that the judger regards as relevant. Anybody could be described as being relevantly similar to anyone else and anybody could be made to possess different qualities from anybody else depending on which description the judger

decides is morally relevant. As a result the number and variety of judgements which may be legitimately U.R. universalized as 'moral' judgements could be indefinitely large. There is a price to be paid for this. U.R. does not help to distinguish the moral from the non-moral. There is nothing morally distinctive about being willing and able to universalize one's judgements in accordance with U.R.

Things are even more gloomy if we consider, secondly, U.R in terms of a criterion with which we could identify moral from immoral judgements, viz. as an answer to the 'which moral judgements?' question. Someone can consistently make immoral judgements or consistently fail to make morally required judgements. Such an individual is about as immoral as one can be. His consistency only makes things worse. If he consistently does prohibited things and consistently refuses to do what he ought to do, he is a moral abomination. Nonetheless his judgements will satisfy U.R.

Suppose then that we try to overcome these problems by specifying the criteria for 'morally relevant reasons' in U.R. At this point in the discussion, nothing formal or definitional, except arbitrarily by way of stipulation, would seem to establish such criteria. On the other hand, it is difficult to see how factual conditions could serve as criteria for relevant similarities in moral contexts. And we do not seem to be able to propose non-factual (evaluative or normative) criteria, without forfeiting the neutrality of our U.R. rule. We may conclude that we are not able to distinguish the moral from the non-moral, and certainly not moral worth from the immoral, on the basis of U.R.

A third problem concerns the specificity of many moral judgements. I have mentioned already that an argument is needed to show that merely numerical differences between one case and another are irrelevant in moral judgements. Even if we provide such an argument, surely there will always be some non-universalizable feature among the more specific

reasons by which a person supports his judgement. When he is making his will, for instance, if Smith thinks that it is morally right to leave a particular item to one of his children, if there is only one such item, it is unclear how such a judgement can be said to be U.R. universalizable. On the other hand, there could always be some prima facie moral feature in a non-moral or immoral judgement which a judger is willing and able to universalize. Consider the case, for instance, of some Nazi war criminals who, when on trial for their heinous crimes, claimed that they were 'only doing their job' or 'obeying orders' which are, after all, actions of prima facie moral worth. It seems easy enough to universalize some morally worthy aspect - possibly a reason that incorporates some of the judger's intentions - of almost any prima facie wicked judgement. Such considerations lead not so much to a denial of U.R. as to doubt about the utility of defining morality in terms of it.

A fourth problem, which follows from the one above, concerns the hope mentioned earlier that from the universalizability principle we could arrive at universal moral judgements that apply to everyone alike. This seems to be foiled by the restricted scope of some reasons that occur in perfectly correct moral judgements that are meant to apply to specific groups, such those which apply to parents, doctors, or to Catholic priests. The duties of parents to their children, the doctor's Hippocratic oath, the moral principle enjoining priests not to divulge what is told them in the confessional, are precise and situational. Clearly we are able to universalize them in the sense of applying them to everyone who falls within the range of their application. But equally obviously they are not universalizable in the sense that they apply to everybody. As D.Locke (1968:42) says:

> Moral principles (such as those which apply above) may be universal in the sense of applying to everything of the particular sort...They are not universal in the sense of being applicable to everyone.

On the other hand, there do appear to be numerous quite fundamental moral judgements, that are unrestricted in their scope. Prohibitions against killing other human beings or against torturing them or, on a happier note, reasons in favour of self-determination, promise-keeping, fairness, seem to be universally applicable. It is significantly possible for all human beings to perform (or not to perform) the acts in question. (Or perhaps, at this point in our discussion, we should say they may be performed by all 'persons' to allow for the possibility that some human beings cannot be said to **choose** to do anything properly described as murder, lying and the like.) The point is: given the restricted scope of some reasons, it is not at all obvious how by U.R. we could get from universalizability to universalism of this kind.

A fifth difficulty concerns the analogy between the generalizing rule in empirical contexts and U.R. for moral judgements. If the analogy is sound, U.R. would have to describe how we do reason in moral judgements rather than be a rule which, say, stipulates how we rationally should. However some philosophers, as we noted, deny that moral reasoning is like this. They deny, this is to say, that the universalizability rule applies to all singular moral judgements. A.MacIntyre claims, in effect, that not all moral judgements have to be supported by reasons and from this he concludes that not all moral judgements are universalizable. On the other hand P.Winch argues that, in certain contexts, where a particular judgement is based upon reasons, this does not always require that the same judgement applies, even though the same reasons apply. Like MacIntyre, Winch concludes that not all moral judgements are universalizable.[34] Moreover, on this view, by making universalizability part of my definition of morality, I am not neutral. On the contrary, I am biased in favour of one type of theory against others. At this point in my account,

there is little I could say to fault the kind of arguments MacIntyre and Winch produce to support their claims.

A sixth problem - that again gives us grounds for doubting the analogy between consistent generalization implied by singular empirical judgements and universalizability in moral judgements - is that very often, when the moral judgements of two or more individuals conflict, we do not seem to need to say that either one of the judgers has viewed the evidence incorrectly or that there is something wrong with one or other of their reasons, (as we do when empirical judgements conflict). Rather we entertain the further possibility that some universalizable judgements really do conflict and, furthermore, that such conflicts are not objectively decidable. On the other hand, we would not think that empirical disagreements are incapable of being settled. We would not need to consider the details of the conflict to know that one of them is right and the other wrong; or that they are both wrong. It does not seem to make sense to say that their conflict has no objective solution.

To deal with these and other problems, we need to develop many more resources than we have so far. Among other things, we will need to have a clearer idea of just what can and cannot be regarded as a relevant moral belief, reason or judgement. So far we have centred upon reasons that the judger regards as relevant; reasons that he is willing and able to universalize. We may have to distinguish between this kind of reason and reasons that are genuinely relevant in moral contexts. To find a basis for the latter, we may need to look at some of our traditional moral beliefs and try to identify the purposes for which such beliefs exist. For the moment, we are forced to conclude that while a generalization rule based upon consistency A might be implied and necessary for our understanding of empirical judgements and even though U.R. may itself be necessary and

similarly derived, it has not been shown that its necessity can be understood by direct analogy with the empirical case.

There is a more pressing problem: as I have interpreted it, the universalizability requirement is nothing more than an extension of consistency A in deontic contexts. If this is correct, nothing is added by this rule that would not follow just as well, from consistency A. What exactly is the difference between the two supposed to be? Do we need a universalizability rule?

CHAPTER TWO

UNIVERSALIZABILITY AND IMPERSONAL REASONS

As I have interpreted it so far, the universalizability rule U.R. amounts to nothing more than a test for consistency A for particular action-guiding judgements. As long as the judger is willing and able to U.R. universalize the judgement in which it occurs, any reason that he regards as morally relevant will do. However as they are usually understood, universalizability and consistency A are different requirements. One important difference is this. Unlike consistency A, the context in which the universalizability rule is applied, viz. moral judgements, requires that certain restrictions be placed on the kind of reasons that are permitted in universalizable judgements. Some reasons are relevant and others are not. As a result we find that there is a wide range of reasons that can occur in action-guiding judgements that are consistent A, yet they are not usually thought to be universalizable. We need to take account of this difference in the definition U.R.

I will begin, in (1), by identifying some differences between the large class of practical judgements - some of them *ersatz* moral judgements - that demand consistency A but which, unlike genuine moral judgements, do not satisfy the universalizability requirement. I will argue in (2) that one difference between genuine and *ersatz* moral judgements is that a reason in the former must be **impersonal**; by which we will mean that reasons in singular judgements to which the universalizability rule applies must be contextually relevant and elucidate the judgements they support. I will show, in (3), how this condition justifies the restrictions we place on proper names and other uniquely referring terms from occurring in universalizable judgements. In (4) I will argue that the desiderata of theory-neutral and contextually relevant reasons can be met by our earlier definition, if

U.R. is restricted to judgements containing certain types of reason, viz. judger-neutral and judger-relative reasons. I will then, in (5), contrast the amended account of U.R. with consistency A and show a sense in which judgements which satisfy the former are objective. In the final section (6) we will note a worrying weakness in the judger-relative version of U.R.

1. Differences between consistency A and universalizability.

Consistency A applies to all kinds of practical judgements which normally we would want to say have nothing to do with morality. Consider, for example, a judgement of taste. Let us suppose that I am offered spinach at dinner which I decline and that somebody asked me "Why?". I might reply "Because it is bitter". Obviously I cannot then say, on the same grounds, that I like kale and that it is bitter. Although I can say, of course, that I like kale because it has a different type of bitterness; but this is not to offer the same ground as the one given for my disliking spinach. Now let us suppose that having given the bitterness of spinach as my reason for rejecting it at dinner yesterday, I am offered kale at dinner today. I might reason thus: since its bitterness was my reason for rejecting spinach yesterday and I believe that the vegetable I am offered today, kale, is relevantly similar to spinach in the way that it tastes - and since there are no other countervailing differences in the surrounding circumstances, (e.g. my host did not grow the kale especially for me to eat today) - I shall refuse the kale. We would agree, I think, that consistency A is an adequate explanation of my unadventurous decision. To put the point differently: if R is the reason for the judgement S, in circumstances T, to be consistent A, it must be the reason for my judgement S' in T'.

Moral matters are not matters of taste. However a parallel argument seems to apply to examples which we would admit to being subject to moral considerations. Consider

again Kant's example of false promising; viz. Smith is in desperate need of money and borrows from Jones, promising that he will repay the money, but knowing that he will not keep the promise. If Smith wants to argue that this is a rational, moral judgement then he is committed by U.R. to (the rather convoluted): 'If I judge that I ought to make the false promise to Jones, because I am in desperate need of money and without a false promise Jones will not lend me it, then whenever I or anyone else desperately needs money and we believe that otherwise it will not be lent, the same judgement applies'. If Smith cannot accept the universal case in propria persona then he cannot regard himself as rationally justified in the particular case.

A question that arises at this point is: do we need a universalizability rule over and above consistency A? Rather than require that Smith's judgement be tested by U.R., why not say, more simply: if R is the reason for his judgement S in circumstances T, to be consistent A, it must be the reason for his judgement S' in T'. In short, isn't talk of a universalizability rule here redundant?

The redundancy argument applies to more than simple bilateral cases. Let us suppose that Smith, Jones and Brown are brought before a magistrate, who finds them all guilty of driving their cars in an unroadworthy condition; (and that none of them have mitigating circumstances for the offence, or previous convictions, and so forth). Assuming that magistrates' courts afforded scope for informal philosophical reasoning, we might say that the rational magistrate must reason thus: 'If the offence is the reason for fining Smith one hundred pounds then, by U.R., it must be the reason for fining anyone relevantly similar, e.g. Jones and Brown, the same amount of money'. What exactly is added here by saying that his judgement must be U.R. universalizable that does not follow, just as well, by saying that it must be consistent A?

We can admit examples like those above as cases to which consistency A applies and for which talk of a universalizability rule is superfluous. Nonetheless I want to argue that universalizability and consistency A play quite different roles in our practical reasoning and that, as a result, we will need to amend our definition of the universalizability rule. In the first place, when applying the universalizability rule I must be prepared to discharge the onus of giving reasons. We have taken care of this point already. U.R. applies only to singular moral judgements whereas consistency A applies to all statements of opinion, taste, preference, etc. (see p.14 above). One does not need to have a reason for one's statement of taste, for instance, to conform with consistency A. If I say "I like kale and I dislike spinach" and somebody asks me why, I can consistently and intelligibly reply "I really do not know why; I just happen to like one and dislike the other". On the other hand, a singular moral judgement, to which U.R. applies, has to be supported by a reason.

Perhaps the point will be pressed that I am building too much on to the notion of 'a judgement' here. Couldn't it be countered that expressions of taste are judgements for which reasons or grounds need not be given? Couldn't you say, for example, that I do not need to have reasons for my judgement concerning spinach? Even if I allow this, viz. that there can be judgements of taste for which reasons are not needed, this is not to deny that to judge that an action is morally right or wrong, requires that one has reasons for or against it, (which is the point I want to make).

To see that this is so, let us suppose that the magistrate in our example does not have a reason for his judgement. He fines Jones et al and lets Smith off scot-free. Now if he had made a judgement, we assume that it will always be possible for someone to ask him why the reasons in Jones' case tilt the balance. If we ask the magistrate "Why?" and he says that he doesn't know why -

that he has no reason for the difference that he has drawn between them - we would find his "judgement" (sic) incomprehensible. For if he does not have a reason for it, nothing would count as making it the correct judgement, since there would be no reason why it, rather than its contradictory, is correct. And, mutatis mutandis, nothing would count as it failing to be correct. But if nothing counts either way (as being or failing to be correct), anything he said would be the right judgement. Why, then, should we call his statement 'a judgement'? In a similar way, if he replies "It is just a feeling I have" or "In the absence of a strong reason either way, I tossed a mental coin" normally we would say, to paraphrase J.S.Mill (1859:131), that such a statement can only count as the magistrate's preference or inclination. If there is to be any point in calling his statement 'a judgement' it must be based upon relevant reasons.

My adversary might reply that the distinction my response points to is between arbitrary and deliberate judgement. Why not say that the magistrate has made an arbitrary judgement? But this misses the point. Such an arbitrary judgement (if we must), can be consistently applied. Consider, for example, the case in which the magistrate merely in a fit of temper, fines Jones one hundred pounds and then to be consistent fines Brown the same amount of money. This sort of arbitrariness is ruled out by U.R. When applying this rule, his judgement must be based upon reasons. We have seen why this is so. To judge that a given action F morally ought/ought not to be done by X is to consider reasons for or against doing it. To claim then that one's singular moral judgement is universalizable, is to say, in effect, that one's judgement has the weight of reasons behind it; the judger is willing and able to accept his judgement for all actual and hypothetical cases in propria persona. In judgements to which we would say that U.R. applies, therefore, we must know what it is about cases

that leads us to say e.g. that both Smith and Jones ought to be punished, or that one case is punishable but not the other. This need not be so when we apply consistency A.

There is, however, a more important difference between the roles of consistency A and universalizability, that U.R. as I have defined it earlier, does not capture. Let us suppose that I give one of the following as my reason for the difference in my judgement of taste: (a) the fact that they simply happen to be likes and dislikes of Keith Dowling; or (b) likes and dislikes of mine; or (c) likes and dislikes of the author of Universalizability, Needs, and Moral Judgement. There is nothing wrong, from the perspective of consistency A, with my reasons. Or suppose that I say (d) "I disliked spinach last year, when I tried it in Glasgow, but I liked it today when I tried it in Umtata". Some odd differential reasons can be given for judgements of taste. The point is, though odd, there is no prima facie inconsistency here. Now suppose that our magistrate gives any one of (a)-(d) as the reason for the difference in his judgement between Smith and Jones. He might reason thus: one should judge similar road offenders in the same way, unless (a) they are called Tom Smith, or (b) they are close friends of mine, or (c) they are the author of such-and-such, in which case driving an unroad-worthy vehicle is permissible. Or suppose that the magistrate gives as his reason the fact that (d) Smith's offence occurred yesterday, whereas Jones' happened today, or that Smith's happened in one place, Jones' in another, and that merely the spatial or the temporal difference is his reason for fining Jones and letting Smith off. We may view his reasons with less than approval; nevertheless the magistrate has given what appear to be reasons that can be applied consistently. Each of (a)-(d) is a reason for S in T and could be a reason for S' (e.g. all Tom Smiths) in similar circumstances T'. But, we want to respond, what is

right for Smith cannot be wrong for Jones merely because Smith is Smith and Jones is Jones.

The cause of our dissatisfaction is easy to identify. While judgements such as (a)-(d) may be consistent A, normally we would say that we cannot universalize them. For our usual understanding of the latter rule includes a restriction upon references to purely individual or numerical aspects of the thing to which the judgement applies. As J.L.Mackie (1977:83) notes:

> ... we want to rule out as irrelevant mere numerical as opposed to generic difference, the difference between one individual and another as such.

It may be that what is wrong for Jones is right for Smith but, if it is, this must be on the basis of reasons which distinguish some qualitative difference between them and their situations. This point is important and is worth stressing. Part of the usual understanding of the universalizability rule is that we cannot apply it to a singular judgement, if the judgement contains an irreplaceable reference to a particular.[35] On the other hand, a singular judgement is universalizable if one is able to replace the singular term with general descriptions of the person, their action, or their situation and thereby make the corresponding judgement about any other particular case which satisfies the description.

The restriction is well known. We noted earlier that Sidgwick recognises it. However independent arguments are required to justify his use of it. Without them, it amounts to no more than ad hoc restriction. Hare recognises the restriction too. He says that part of his understanding of universalizability is that restrictions must be placed on singular terms. He tells us (1963:219) that there are two stages in the process of universalization:

> The first is passed when we have a principle not containing proper names or other singular terms from which the moral judgement we want to make follows, given the facts of the particular situation.

As we saw, Hare's universalizability principle is based on the meaning-rules which apply to the descriptive feature of terms; it concerns, that is to say, the consistent usage of descriptive terms. We might overlook the fact that meaning-rules are notoriously difficult, if not impossible, to state. We might accept, also, that most occurrences of proper names are not subject to rules of this kind. However this would not justify placing restrictions upon definite descriptions and other uniquely referring, yet general descriptions (see examples (5) and (6) below).[36] If these cannot occur in a universalizable judgement then, again, independent arguments are required to show this.

How are we to justify restricting references to purely individual or numerical aspects of a person from the reasons, in singular moral judgements, to which the universalizability rule can be applied? I think the answer is that a universalizable judgement needs, in some sense, to be impartial and that given this restriction a certain sort of partiality is avoided. Now I need to be careful here. We must preserve the neutrality (non-contestability) of the universalizability thesis that we achieved in our account of U.R. However many writers insist that by admitting impartiality as part of our understanding of universalizability, we forfeit neutrality. This seems to me to be true of the kinds of definitions of impartiality that we are usually given (see e.g. p.50). The question that we need to ask is: is a neutral account of impartiality possible? Furthermore, can such an account explain why singular judgements cannot be legitimately universalized when they contain a term which could only apply to one individual? To answer this, we need to introduce the notion of an impersonal reason.

3. Impartiality as impersonal reasons

As a first pass at defining 'impartiality' let us say that

Def.A A reason R is impartial, in the required sense, if R is a reason for anyone, in the appropriate context, to make the same judgement.

We should notice, firstly, that this is not the controversial requirement 'One ought not to make exceptions in one's own favour'. This and other similar versions of impartiality, as we have mentioned, are moral claims that someone might not accept. Definition A is, rather, the demand that in a universalizable singular judgement, the reason must be impersonal. The judger's reason must be a reason for anyone making the same judgement in similar circumstances.

As it stands, however, Def.A is equivocal. A reason R could be impersonal in the sense (a) that R is merely stating the judger's own preference. Thus a substitution for R could be a statement of any desire or preference of the judger that he would be willing to prescribe for himself and that he would be willing to countenance anyone else, in a similar situation, giving as their reason for the same judgement. Let us call a reason that conforms to this preference-stating version of Def.A, a judger-relative reason. Alternatively R could be impersonal in the sense (b) of being a reason for anyone, independently of the person who so regards it, since R is based upon grounds that any rational person would give as their reason for the same judgement. Let us call such reasons judger-neutral. A judger-neutral reason is a description of an agent, his act or circumstances which, when it is formulated clearly, provides the correct description for the purposes of moral evaluation.

It might be observed that, as it stands, the judger-relative rendering of Def.A would not impose the desired restriction on uniquely individuating terms (from universalizable singular moral judgements). For R could be impersonal and still contain a proper name, indexical, or a definite description, just so long as it is a reason that a

judgement-maker would accept anyone giving. The magistrate could claim that his reason in

(1) All Tom Smiths should be judged in a different way to other offenders, because they are called Tom Smith,

is impersonal(a), for he accepts that anyone serving as a magistrate would be equally justified in giving the same reason. Or he could argue

(2) All magisterial judgements of similar cases ought to be the same unless they are mine.

Someone who is partial in this sense, comes into conflict with U.R. only if he recognises that other people too are relevantly similar to himself but that they are not equally justified in making the same judgement. He might recognise, of course, that anyone serving as a magistrate would be justified in giving the same reason.

From what we have said in Chapter One, it might be thought that (1) and (2) are unsatisfactory since a 'because'-reason in a moral judgement has to describe a general feature of the agent, the act or the situation. It is unclear which general property, if any, a name like 'Tom Smith' could be said to describe. Even if this is correct, a reason which conforms with the judger-relative account (as it stands), could be embarrassingly individuating. For the general property could be a unique factor, which is said to make the case different from others and which the preference-stating judger is willing to universalize. For instance, D.Locke maintains (1968:38) that any idiosyncratic or arbitrary reason is universalizable in keeping with (a). He thinks that he can cogently argue that he has special rights because

(3) I am the author of (the article) 'The Trivial-izability of Universalizability'

from which, Locke says, (ibid:39) it follows:

> Everyone like me in being the author of this article has ... special rights.

Though others with the same name may write similar articles, only one author, Don Locke, could have written this article. If an impersonal reason is one that the judger would accept that others should give, then uniquely descriptive features like 'being the author of The Trivializability of Universalizability' would be impersonal. So long as we keep the features the same, we preserve the impersonality of the reason. Preserve the reason and we can universalize the singular moral judgement, thus satisfying U.R.

We should note, also, that the reason for any bizarre singular judgement that the preference-stating judger is willing to universalize, could be impersonal in keeping with the definition. Let us borrow an example of a bizarre judgement that P.Foot (1958:512) gives,

(4) One ought not look at hedgehogs in the light of the moon.

So long as the reason (whatever it is) given in support of (4) is based upon descriptive features of the case that the judger would be willing and able to prescribe universally, it could be impersonal(a) in keeping with the definition.

Finally, the judgement could be descriptively unique in another way. R could be a set of general statements that describe an individual in such a way that only this individual could possibly satisfy the set. For instance, I might judge

(5) You ought to keep your promise to repay debts, unless you are male, 5 feet 11 inches tall, were born in London in 1938, are married to a lecturer in Philosophy at the University of Transkei, and so on,

listing so many, undeniably general descriptions, yet such that only one individual is referred to by the set. Even if we insist that to be universalizable, reasons in judgements must be general, we could, in this way, always escape the practical effects of the addition of Def.A to U.R. For the judger could always claim that there is a unique set of general factors about the case that he is judging which

makes it relevantly different from others yet which he would be willing to countenance anyone, in a similar situation, giving as their reason for the same judgement.

Now there are a number of things wrong with the claims above. Most importantly, a written or spoken utterance is not a reason simply because I happen to regard it as one. Any putative reason must be, at least potentially, (for want of a better phrase) 'open to public inspection'. This is to say, others must be able to see the connection between the proffered reason and the kinds of reasons that are usually regarded as relevant in the context. We will call this the condition of **contextual relevance.** And secondly, the descriptive feature given in the reason must be sufficiently specific for others to relate the reason causally, logically, or in some other rational way, to the accompanying judgement. In other words, the reason must elucidate the judgement for those to whom it is offered. This we will call the **elucidating condition.** In these senses, my reason must make a claim to being a reason; that is to say, a reason independently of the fact that I so regard it.

Let me illustrate the points here with two examples. Suppose that someone asks me "Why did you go to the theatre last night?" I might reply "It was my wife's birthday and I wanted to give her a treat" or "I wanted to see the play because I have read so many favourable reviews of it". Many different answers can be given which, while they differ in content, are contextually relevant to the question asked and elucidate the decision to go to the theatre. On the other hand, suppose that I were to reply "Because Glasgow begins with 'G'". I think that we would say that from our knowledge of people's reasons for theatre-going, it is highly unlikely that anyone actually would have this as their reason. Usually when someone gives a reason we recognise it as relevant without further explanation. Here we do not. Either I must explain how my reply is a relevant

answer to the question, or what I have said just does not count as a genuine reason. The notion of a completely arbitrarily chosen reason is nonsense; if anything could count as a reason, then there would be no point in offering anything as a reason. I think that we would say, also, of "Because Glasgow begins with a 'G'", that it is unclear which aspect of the "reason" (sic) could be said to elucidate the decision - viz. to go to the theatre - in the minds of those to whom the reason is given.

Let me put the points I am making here differently. Suppose that you ask me: "Why does the fact that Glasgow begins with 'G' have any relevance to your decision to go to the theatre?". What you are asking for is either an explanation of the relation between my reason and the usual corpus of reasons for theatre-going, or for an explanation of which aspect of the reason given is supposed to be relevant to my decision to go to the theatre; (or, of course, you are probably asking for an explanation of both). These are familiar features of reason-giving whenever a reason is thought to be irrelevant, or its connection with the judgement to be in need of further elucidation. My response must be based upon aspects of the case in question that are, at least in principle, intelligible to others.

To see that this is so, consider a second example. Suppose that a scientist claims that his experiment is relevantly different from all other experiments in its field, 'because he - the experimenter - is male, is 5 feet 11 inches tall, was born in London in 1938, etc.'. Why would we demur? Because the reasons he gives to support his claim are <u>prima facie</u> irrelevant. We do not see the connection between the proffered reason and the accompanying judgement about experiments; i.e. how the former is supposed to elucidate the latter. And we do not see the connection between the proffered reason and the kinds of reasons that are usually regarded as relevant in science. We have no idea what else he would regard as relevant, or what he would

regard as irrelevant. Neither does it make a difference if the scientist tells us that he has always given this as a reason. Although it would make a difference if he was able to show that such considerations, (being male, 5 feet 11 inches tall, etc.), are connected with the kinds of reasons that other scientists, in this field, usually accept. We would be more likely to admit that given the additional explanation, his supporting statements were impersonal reasons.

The point is that to count as an impersonal reason for a judgement, a descriptive statement must meet the conditions of contextual relevance and judgement elucidation. So we need to amend our definition of 'impersonal reasons' in the light of this:

Def.A' R is an impersonal reason if R is a contextually relevant and a judgement-elucidating reason meaning by this that anyone understands R as being a reason of a certain type and that R elucidates the judgement.

Before we can make the necessary amendment to U.R., we need to consider the notion of contextual relevance in more detail.

The task of specifying the reasons which can be thought of as relevant in any context is, of course, extremely problematic. However it is not of immediate concern. For the moment, I hope that it will suffice to point out that 'relevance' is a relational notion, in the sense that a thing cannot be relevant <u>simpliciter</u> but must be relevant to something. It is only when we know what the latter is that we can begin to identify ways in which reasons may be regarded as relevant. All that we can say of a general nature is that R must be commensurate with reasons which, as a matter of fact, do have a part to play in enabling us to recognise something as a judgement belonging to a particular type of discourse.

We need to recognise, in the case of moral reasons, that a particular reason, directing behaviour or guiding attitudes, is connected with at least some of the more usual moral considerations like, as Hume (1889:297) says, those in favour of

> ...humanity, fidelity, truth, justice, courage temperance, constancy, dignity of mind;...

Also, as a matter of fact, our everyday moral reasons are concerned with categories of action, like promoting one's own and other people's well-being, keeping promises, being loyal, having integrity, feeling and showing gratitude, etc., they include, in addition, prohibitions against killing, harming other people, dishonesty, greed, and so forth.[37] When it can be related to concepts such as those above, we are able to recognise something as a moral reason. Notice that I am not suggesting that these are concepts or reasons upon which a criterion of moral relevance **should** be based. I am claiming only that they are the type of concepts on which morally relevant reasons **are** based. In our everyday understanding of such matters, we do recognize e.g. '...because Smith intentionally killed Jones' '...he deliberately caused his child further suffering', '...he made a false promise to repay Jones'; or, (on a happier note) '...because he is an honest, sympathetic person', to be <u>prima facie</u> morally relevant reasons.

To claim all of this is not, of course, to say why items in such a list are contextually relevant. Neither is it to say what the criteria for relevance are. And it certainly is not to claim that a judgement in which reasons of this sort occur ought morally to be acted upon or that they are morally right. By suggesting that singular judgements containing certain types of reason are not moral judgements (and therefore are not genuinely universalizable), I am not trying to condemn them as immoral. Similarly, in saying that a reason in a singular judgement is relevant and elucidating and therefore is subject to universalizability, we do not have to agree with the judgement expressed. We

are referring, of course, to 'moral' in the descriptive sense in which the word is contrasted with non-moral. It is perfectly possible to recognize something as a moral reason, to record this in a second-order descriptive statement, and yet to disagree with it radically or to condemn it as morally wrong.[38] In this sense of 'moral' we can hold on to our proposal that impersonal reasons can be judger-relative reasons. Both morally right and immoral preference-stating judgements can be understood to be contextually relevant and elucidating.

It is the presence of at least some of these concepts in other social practices, moreover, which enables us to pick certain aspects of their conduct as being their moral practice or outlook and, often, to recognise the type of moral outlook it is.[39] Obviously moral ideas vary from one society to another; practices such as abortion or infanticide, for instance, are approved of in one society and not another. Yet there are limits to such variation. Members of the Xhosa tribe in Transkei, for instance, have a number of distinctive moral rules which refer to the behaviour of Xhosa people. These do not, however, morally require them to do things like looking at hedgehogs in moonlight, rather, they concern such things as obedience to parents, loyalty to the group, respect for their elders. The point is, one could not say that these are the moral beliefs and practices of the Xhosa people unless one has already formed some conception of morality. Let it suffice to say, for the moment, that we unhesitatingly refer to their rules as moral rules because they are connected to what I am calling contextually relevant concepts. Although, it needs to be stressed again, none of this explains **why** such concepts are to be regarded as relevant.

Philosophers, like Hare, who suggest that almost anything can count as a moral reason are neglecting the condition of contextual relevance that ordinary moral reasoning actually requires. We would be surprised if, as we noted, a person

claims to accept, say, (4) viz. 'One ought not look at hedgehogs in the light of the moon' as a moral principle. This would not be merely a surprise, as Hare (1978:74) says:

> ...occasioned by an inability to understand, not what the view is, but why anybody should think that.

We would say, rather, that from our knowledge of moral principles and how they develop, we cannot understand how anyone would come to regard (4) to be one, let alone adopt it. For we would not see how (4) meshes with other concepts that are thought to refer to morally wrong conduct, or how (4) is relevant to moral obligations. It will not do for the speaker to insist that this happens to be one of his fundamental moral principles; or that he always accepts this as a moral reason. Without further explanation this claim would be as unintelligible as his previous remark.

Let us suppose, however, that we are pressed to consider what is at least a logical possibility, that someone did actually accept (4) as a guide to their actions and think themselves bound to urge it on others, that they felt guilt and remorse if (4) was broken, and so on.[40] The point might be that if our moral judgements were very different, or if they were made in another universe, or in very unusual circumstances in our world, then <u>prima facie</u> bizarre judgements would have the same kind of characteristics that our moral judgements in fact have. My response to this is that we would say that the burden of proof is on the judgement-maker to show its relevance. We would need a contextually relevant and elucidating reason R, which would enable us to understand why any person morally ought not look at hedgehogs in moonlight. We should not expect him to say in reply, for instance, "Anything can count as a reason for saying (4)". The fact that he is required to give an explanation of it shows that the case is exceptional and that the burden of proof is for him to show the reason is relevant to moral considerations. What one would be asking for here is a conceptual clarification. This means, among other things, that the points he raises must be intelligible

to others. The point I am trying to make is that although it is not possible to exclude a priori any reason as a possible moral reason, it must in principle be possible to see the relationship between it and other moral reasons.[41]

4. Impersonal reasons and the restrictions on names

Why should the condition of relevance result in restrictions on proper names and other singular terms from universalizable reasons? In the case of proper names, (in the clearest sort of cases anyway), there is no obvious connection between a reason that depends upon the occurrence of a proper name and the kinds of reasons normally recognised as relevant to moral judgements. When our magistrate in (1) gives "Because he is called Tom Smith" as his reason for differential treatment, I think that we would say that we just do not see how the fact that someone is called by a certain name can be related to any other recognizable moral reason. We cannot see how being called by a certain proper name can have a bearing on such things as obligations, rights, values, ideals, or, in the magistrate's case, relief from blame and punishment. Even if he were to claim that he is presenting a new moral principle which cannot be defined in terms of anything more fundamental, ordinarily we would still insist that to be intelligible the reason must connect with other contextually relevant reasons, (and that the connection between the reason and the judgement must meet the elucidating condition). His utterance can have the appearance of a reason, of course. It can be couched in the same form of words, or be given in the tone of voice, in which reasons are characteristically expressed. However, a doubt would arise about what the magistrate means by 'a reason' if, when called upon to show how what he is saying connects with the usual kinds of reasons in the context - or how it elucidates the judgement - he did not see the need to satisfy these criteria. The point is not, pace Hare, that we would wonder

why anybody should think that. Neither is it that if the speaker fails to meet our criteria, doubts would arise about what he meant. Rather, if he fails to see that it is necessary to meet our criteria, we would be at a loss to understand why he calls his utterance 'a reason'. It fails as a reason for anyone else. So-called reasons, containing proper names that function as terms, fail in this respect as reasons.

Let us see if the same explanation applies to restrictions upon possessive pronouns in singular moral judgements. Consider again the example (2) 'All magisterial judgements of similar cases ought to be the same unless they are mine'. Let us suppose, firstly, that the reason offered in (2) is simply based upon a feeling, or some other non-rational, idiosyncratic factor of the person who gives it; i.e. 'because this is how I feel about it'. In moral contexts, this is to turn reason giving into a purely private affair and hence to surrender the idea that one is giving a reason that is determinable by other persons, i.e. that it can be considered to be relevant and elucidating.

We need to be careful here. I do not want to say that all forms of pronominal reference make the statements in which they appear forfeit as morally relevant reasons. It could be, for instance, the sort of reason that a judger provides by the observation that this is **his** preference, it is in **his** interests, or that it is to **his** advantage. If the judger is prepared to universalize his judgement, these can be perfectly intelligible and, in our sense, impersonal reasons. Though we may not like it, (2) is the kind of reason that some individuals do give for their moral judgements.

Nonetheless a reason is a moral reason only if it is <u>prima facie</u> relevant and elucidating. How is a judgement like (2) to be understood, if the reason is supposed to be uniquely referring to just one individual's interests or preferences? Obviously it will not do for the speaker to

cite in response to our question a characteristic that he shares with other people, like '...because I am very wise'. Even if we allow that 'being very wise' is relevant and elucidating in this context, it could be a reason for favouring the preferences of other magistrate's too, so '...unless they are mine' would not be a purely individuating reference. Neither will it do for the judger to cite, as the underlying relevant feature of his reason in (2), a descriptive characteristic that only he happens to have like 'being the only magistrate in Transkei who is fully conversant with every aspect of criminal law'. Once again if we allow that this is morally relevant, such a reason invites a comparative element, if not in the actual world, in hypothetical cases. Others with a similar characteristics like 'being conversant with most aspects of criminal law' would still have some justification (though, perhaps, a proportionally lesser justification), for having their preferences similarly favoured in such contexts. The reason in (2) would not, then, uniquely individuate our magistrate. A similar objection could be raised if a set of general descriptions are suggested; such as 'because I am the only magistrate in Transkei who was born in London, is 5 feet 11 inches tall, etc, and who is fully conversant with every aspect of criminal law'. It is far from clear how the additional features can be regarded as contextually relevant and elucidating. However if <u>per absurdum</u> we suppose they are, since other persons have similar characteristics, a similar reason would hold for them.

Let us suppose then that the recourse to unique characteristics is dropped and he claims that by giving the reason '...unless they (the magisterial judgements) are mine' he means that 'he is himself and wants to further his own interests or reputation', (which seems to be the point of this type of example). The sense of the reason '...unless they are mine', in (2), is 'I desire my preferences to be met above all else'. If this is so, every

other person could make much the same claim. Since it is true that each person is himself and, presumably, wants to further his own interests, if one person can judge that he morally ought to do such-and-such on the basis of this reason then, by U.R., we all ought to do it. Without a general theory of moral relevance, at this stage of our account we will have to say that egoism of this sort is universalizable, (however see pp.406-412 ahead). On the other hand, if he were to claim that the same reason does not hold for other persons, then the judger must provide an explanation of how this serves as a reason in his case but not for that of others. And his answer must not run into the type of difficulties noted above. If an explanation cannot be provided, then the proposed characteristic serves as a reason in all cases or, what is more likely, it does not serve as a relevant reason at all.

The arguments above apply also to definite descriptions. Where these behave as singular terms, this is to say, where all that is germane about the description is that it uniquely refers to one individual,[42] (for instance, where in (3) 'being the author of 'Trivializability of Universalizability' is used simply to designate Don Locke), like proper names, such uses violate the conditions of relevance and elucidation. To meet these latter conditions, the reason must have a descriptive content; it must be based upon one or more qualitative aspect of the case in question. On the other hand, if the descriptive content is intended there must be a discernible connection between the so-called reason and the kinds of reasons usually regarded as relevant to moral judgements. And there must be a clear connection between the reason and the judgement which could be said to elucidate the judgement for others. Regarded in this light, I think we would say that Locke's reason is not contextually relevant, neither does it elucidate the judgement 'Everyone like me in being the author of this article has ... special rights'. So, in the absence of further explanation, the

reason in (3) is not relevant or elucidating and, thereby, (3) is not a universalizable moral judgement. I don't think we need to press this point any further.

Locke also considers a case where a description is intended to be general, yet it uniquely describes one individual. His point is that such a description is not necessarily a numerically individuating reference. Locke (op cit:38) gives as an example:

> (6) 'Everyone who is the Son of God has this duty' may be universal in form, but (still applies) to only one person.

In the light of our earlier discussion I will claim, but not argue, that while a singular moral judgement containing a general description such as 'being the Son of God' may as a matter of fact refer to only one object, other objects might possess identical or comparable properties, or the same property will be possessed by others in a greater or lesser degree, if not in the actual world, then in hypothetical cases. So, again, lacking a detailed theory of contextual relevance we have to say, at this stage, that (6) is relevant and that it is universalizable.

Before passing to our next point, it is worth stressing some of the consequences of this restriction. I cannot judge, for instance, that fulfilling my (or Tom Smith's) professional career, when this is at the expense of others, is a morally permissible act for me, yet not for others like me; unless, of course, this difference can be justified by relevant qualitative differences between myself and others or between the circumstances in which I and they are placed. More interestingly, it would prevent a type of inverted egoism adopted by some ascetics, and it would rule out supererogatory acts where these depend for their justification upon a unique reference to the agent. I cannot make judgements of the form 'I morally ought not to act in such-and-such a way but it is morally permissible for others to do so'; or of the form 'I morally ought to act heroically but, in similar circumstances, others morally

need not'. I cannot make such judgements, if I cannot show that there is any relevant qualitative difference between myself and others. This addition to our interpretation of the universalizability rule precludes, also, the kind of jingoism which demands that the interests of one particular group or country alone should count. As J.L.Mackie (op cit:84) suggests,

> ...it rules out the kind of patriotism which demands that the interests of some one country are supreme, or which says it is right to serve, say Ireland by methods which would be wrong if used to serve, say, France...

Such judgements are rationally forfeit; unless, that is, the difference can be justified by citing relevant differences between Ireland and France, or between the circumstances in which they are placed. And the restriction on names also rules out the kind of inverted patriotism which requires that I should not love, say, Scotland but that it is all right for anyone else to love any other country. Any judgement which depends simply upon the occurrence of an irreplaceable proper name, indexical, or merely on a numerical difference, is forfeit under this interpretation.

The argument concerning relevance and elucidation has been directed at judger-relative (preference-stating) reasons. A judger-relative reason must be contextually relevant and elucidate the conclusion. However the definition A of impersonal reasons, we noted, applies to judger-neutral as well as judger-relative reasons. Clearly, a reason may be appropriate to the context and elucidate the conclusion yet fail to be judger-neutral. For instance, it might depend upon a theoretical bias of the judger, e.g. he could be a committed utilitarian, Kantian, egoist, etc. It could be simply that the judger's reason is biased in favour of his own family or group. As we have said, though we might not agree with such reasons, there is nothing prima facie non-moral about making exceptions of this sort. On the other hand, the judger-neutral condition requires - some how - that R can be seen to be the correct reason for the

associated moral judgement. So the arguments concerning relevance and elucidation apply a fortiori to judger-neutral reasons, as does the restriction on the occurrence of singular terms in R.

We can return to the first major difficulty that I mentioned at the end of Chapter One. We noted that, as it stands so far, U.R. will not serve to distinguish moral judgements from non-moral judgements. However from the discussion above, we can say that it is not just the fact that two or more things can be thought to be similar which justifies the demand that the same moral judgement applies to both. The similarities must be contextually relevant. This point needs stressing. To apply the universalizability rule, the reason given in a singular judgement must be contextually relevant. So we need to amend the definition of U.R. by introducing into it a condition(s) which will allow us to pick out those facts we can appeal to as constituting contextually relevant reasons and which rules out the rest.

We can narrow the field here considerably. As well as meeting the condition of contextual relevance, we are looking for a criterion/criteria for reasons which does not import controversial moral assumptions into the definition of U.R. How are we to do this? One way would be to restrict the class of relevant reasons to judger-neutral factual reasons (those from which all contestable moral assumptions are excluded) yet which, when they are formulated clearly, provide the correct description for the purposes of moral evaluation. Another way would be to define 'contextual relevance' widely enough to cover all the different types of ethical views to which a judger might be committed; so that the amended definition catches utilitarian judgers, Kantians, those whose judgements are inspired by a love of mankind, or by self-love, by aestheticism, for sadism, or masochism, etc., (or a combination of any of these views). With this in mind, I

want now to introduce into U.R. the distinction between judger-neutral and judger-relative reasons.

5. Judger-neutral and judger-relative U.R.

I am claiming that contextually relevant reasons can be of two kinds, judger-neutral or judger-relative. A judger-neutral reason is a factual description of an agent, his act or circumstances which, when it is formulated clearly, provides the correct description for the purposes of moral evaluation. So if R is a judger-neutral reason, a substitution for R will be a description of a certain fact or property (or certain consequences which must follow if the action is performed) which entails, or is in some other way a sufficient or good reason for, an action-guiding judgement. One obvious advantage of this option is that although it involves supplementing U.R. with an additional source of moral evaluation, the latter would not be a contestable moral principle but a matter of fact. Thus it would not require a disputable moral assumption to justify relevant reasons, when using U.R.

On the other hand, if we think of R as judger-relative then a relevant reason will reflect the strongest desire or overall moral preference of the judger, rather than any intrinsic feature of the agent, or his action (or formal features of his judgement). Beyond the limitation that the choice will be governed by the formal and contextual conditions we have discussed already, there would not need to be limits on what can count as a relevant reason; the substitution for R could be any relevant statement of preference that the judger would be willing and able to act upon himself and prescribe for others in similar circumstances. For instance, he may prefer a moral policy of always seeking the satisfaction of his own interests. If he does, his answer to the 'which moral judgements?' question, as we have noted, appears to be relevant and it seems to be universalizable. Alternatively he might prefer

a policy which emphasizes the general happiness, social utility, or duties to others. These too all seem to be relevant reasons and could occur in universalizable moral judgements.

The judger-relative option, as we can see, also involves supplementing U.R. with an additional source of moral evaluation. The addition of the condition 'the overall preference-stating reasons of the judger' (whatever these may be), would not turn U.R. into a controversial rule. We are not specifying what these preferences should be. That is a matter for the judger to decide. All that we require is that his preference-stating reasons must be contextually relevant and universalizable. It is not surprising that most recent discussions of the universalizability rule are judger-relative. They are concerned with what somebody - usually the agent, though sometimes an anonymous spectator - strongly wants done, either by or to everybody, or by or to those who are specified in the judgement.[43]

The difference between the judger-relative and judger-neutral interpretations of R is important for our understanding of U.R. and it needs to be stressed. If we give R the former interpretation, the judger decides for himself his answer to the 'which moral judgements?' question. Moral acceptability is contingent upon what the agent wants or prefers. We need to check only that the reason is contextually relevant and that the singular moral judgement in which it occurs is genuinely and universally consistent with the judgement-maker's own overall preferences. In contrast, if R represents a claim about a judger-neutral property, it is universalizable because it in fact applies to all relevantly similar agents, or because it gives rise to consequences that are incontrovertibly good or bad. Judger-neutral reasons, if there are any, are quite independent of personal choice; independent, that is, of what one would, oneself, be willing to prescribe universally. Judger neutral-reasons will rest on

similarities which are seen to be morally relevant by every rational judger.

We can now incorporate the judger-neutral/judger-relative distinction into the U.R. definition. Let us call the judger-relative version of our universalizability rule, U.R.I. This version of the rule states:

> If A judges that X morally ought to do F because of the judger-relative reason R (where R can be any statement of a contextually relevant preference that the judger would be willing to universally prescribe) then A must be judged that anyone to whom R applies morally ought to do F.

In applying U.R.I, the judger may specify what constitutes a morally correct judgement. All that is required is that his preference falls within the limits set by the broad and vague notion of contextual relevance. On the other hand, if we could replace R by a description of a property which is judger-neutral, we have

U.R.II. If A judges that X morally ought to do F for the judger-neutral reason R, (where the substitution for R is a certain fact or property, or a consequence, which entails or is rationally adequate for X's obligation to do F) then any rational person must judge that anyone to whom R applies morally ought to do F.

Difficulties immediately arise for the latter picture of moral relevance.

In the first place, while moral judgements may be based on matters of fact, many philosophers would deny that the former are entailed by the latter, or that in some other way factual reasons are sufficient or rationally adequate for the moral judgements they support. The relation between reasons and moral judgements, for instance, is not usually expressed in terms of analyticity; viz. true by virtue of the meanings of the words they contain. The connection between, say, 'X is courageous' or 'X is temperate' and 'X

is a good man' does not appear to be one of definition or logical entailment. Further, if the relation between reasons and judgement is supposed to be analytic then the idea of one's judging, in U.R.II, seems to be redundant anyway. For the truth of moral claims will be known a priori when the reason is given. In which case, we would not appear to need a universalizing rule; rather we would have to give the same explanation of the relationship between facts and values - and face the same kind of difficulties - as anyone who tries to justify analyticity. (The claim that some facts entail moral judgements is one that I will challenge in the pages ahead.)

A second problem is that I seem to have a difficulty in offering examples of judger-neutral reasons. We might try to identify them in moral discourse by analogy with those in empirical discourse, where the notion of 'a judger-neutral reason' seems to be meaningful. Can we say, for instance, that just as in the search for empirical truth, to be judger-neutral one must not be prejudiced in favour of one's own experiments merely because they are one's own so, by analogy, in moral judgements one must not favour one's own preferences (or interests) merely because they are one's own? The analogy here would be between the condition of 'respect for evidence' as the basis of impersonal, empirical reasons and, say, 'respect for the preferences of others' as the basis of judger-neutral moral reasons. Unfortunately we could not put any confidence in this analogy. In the empirical context, to be partial in the reasons that one gives, is to be irrational; someone engaged in a science who refused to accept the evidence of another due to his preference for his own research findings, merely because they are his own, has given up the search for empirical truths. But we have seen already that rationality, in moral contexts, does not seem to commit us to impartiality of this sort. Furthermore 'respect for evidence', in the case of empirical reasons requires, at least, that other persons are

accepted as legitimate sources of evidence, regardless of one's feelings towards them, whereas it is not clear what the analogical condition 'respect for the preferences of others' would involve. Does this mean that one should listen to their arguments? Should one take heed of what they say? Should one accept only those reasons which can be wholeheartedly endorsed from their point of view?

There are, of course, other ways of trying to establish that R is a judger-neutral, prima facie good reason for a moral judgement. We might require, for instance, that the choice of reasons has to be made in ignorance of one's own talents, qualities, or of the particular place one occupied in society à la Rawls.[44] We have to commit ourselves, that is to say, in advance and from behind a veil of ignorance, to the reasons which we think should apply in certain typical situations calling for a moral judgement. If everyone were to judge in the same way then, this might show that R is a judger-neutral reason for a given moral judgement.

Neither of the approaches above furnish us with any obvious examples of judger-neutral reasons. Unless we had a clear account of contextually relevant reasons, we cannot claim that there is a parallelism between the impersonality of reasons which seems to hold in empirical enquiry and the kind of judger-neutral reasons that we might hope to find in universalizable judgements. The alternative notion, of making judgements from behind a veil of ignorance, picturesque and striking though it is, does not immediately suggest any reasons that have to be endorsed from every point of view. So what are these judger-neutral reasons? They cannot just be picked from out of the air.

There are, of course, other alternative accounts. I will offer one later in this essay. But this takes us too far, too quickly. For the moment we may note that there is nothing in U.R., or anything else that we have said so far, which indicates the material respects that count as

uncontroversial grounds for claiming judger-neutrality. However for our purposes, at this stage, it will be useful to assume that a rich and wide range of judger-neutral reasons eventually can be given.

Finally, the universalizing procedure in U.R.I differs from U.R.II in at least one practical respect, and we need to notice this. In both cases we need to ask the judger whether he will accept the same judgement not only for relevantly similar actual cases but also for all hypothetical cases where his judgement could apply. If the judger finds that he runs up against psychological constraints that he would be unwilling to endorse, or if he cannot, i.e. if his judgement runs up against logical or rational constraints, then the singular judgement is not universalizable. On the judger-relative rendering of relevant reasons this is all there is to it. On the other hand, judger-neutral reasons, as we have said, describe features of individuals, or their circumstances, which are in fact the same. To check that we are able to universalize a singular judgement here we would need to confirm that the reason R is in fact satisfied in every hypothetical case. If it is, then any informed, careful and reflective person, in the relevant circumstances, will be able to accept R as the reason for making the same judgement.

Bearing in mind the distinctions above, let us now return to the discussion of the differences between consistency A and U.R.

5. U.R., consistency and objectivity

Both the judger-relative and judger-neutral versions of U.R. enjoy the advantages of consistency A. They both rule out those judgements that the judger will not, or cannot, consistently apply *in propria persona*. We have seen that unlike consistency A, however, a singular judgement to which either of the expanded interpretations of U.R. can be applied, cannot be based upon merely numerical particulars.

This is because to be universalizable the reason R, in 'X ought to do F because of R', must be impersonal, in the sense that it must be relevant and elucidate the judgement for others. Singular judgements based on reasons which contain irreplaceable proper names, indexicals, and definite descriptions which function as names, are not universalizable. And although as it stands it is a blurry requirement, 'contextual relevance' suggests also why bizarre reasons should be ruled out as universalizable reasons. In contrast, the demand that our singular judgements be consistent does not place such restrictions on their content. We have gone beyond the mere call for consistency A.

Consistent reasons do not need to be contextually relevant reasons. Nevertheless I still want to claim that the expanded interpretations of U.R. are theory-neutral, in the sense that they do not depend upon contestable value assumptions. Let me show this, briefly, for the judger-relative U.R.I. Any statement of preference which takes a stand on what we ought morally to do, where the reason is contextually relevant, will be a legitimate substitution for the antecedent in U.R.I. Now to insist that such a reason must be relevant is not to make a substantive moral claim. If someone were to disagree with me, the issue between us would not be a moral one. For although it is about morality, the disagreement would not be an issue within morality. We would not argue as if the demand for relevance and elucidation are issues which could be settled by a principle provided by morality; they cannot be regarded as within morality in the same sense as, say, 'You should keep promises' is within it.

We can contrast consistency A with U.R.I and U.R.II in another way. Unlike consistency A, the addition of the contextual relevance to U.R., marks off moral judgements from other practical non-moral judgements. There are many practical judgements that we are able to consistently

prescribe for all relevantly similar cases but which it would be silly to suggest have anything to do with morality. Suppose that I say to someone who is about to go for a walk:

(7) You ought to take your umbrella because it is raining and you will get wet.

In (7), I take the reason 'A person who wants to go for a walk and not to get wet' to apply to the walker and it is true that I believe that everyone of whom the description is true should take their umbrella. (I know from experience that this is a fairly reliable guarantee against getting wet.)[45] I may add that I would willingly and consistently prescribe that 'Anyone who is the same in the relevant respects ought to take his umbrella etc'. However the reason 'because it is raining and you will get wet' fails to capture our pre-analytical notion of a contextually relevant moral reason and so, on my account, (7) is not universalizable by U.R.I. To put the point here in another way, by U.R.I, I must regard my singular judgement to be morally binding on everyone to whom the reason does or could apply. It is, ceteris paribus, how we all morally ought to behave in the circumstances. But to regard (7) as morally binding appears to be nonsense.

In his earlier work, however, R.M.Hare (1952/1963) seemed forced to say that (7) is a moral judgement, if the judger so regards it. For my singular judgement to be a moral judgement all that is required is that I must be willing and able to universalize it and it must be prescriptive. Hare thought that there is no other rational limit on the singular prescriptions that a person may be willing to U.R.I universalize. He writes (1963:195)

> On my view, there is absolutely no content for a moral prescription that is ruled out by logic or by the definition of terms.

He claims, in effect, that rational agents create their own moral values. Thus by universalizing it, I might elevate (7) - or any other practical judgement, that I am willing to consistently prescribe for all cases, in propria persona,

but which it would be silly to suggest have anything to do with morality - to the status of a moral judgement.

Hare is not unaware of the problem here. In order to escape it, in his earlier work (1952), he introduces a reference to 'standards'. We are told that by resolving to accept only certain considerations as relevant, the judger creates his own standards of moral relevance. What if the judger is asked to justify these standards? Hare says that this can be done within an account of a 'way of life'. It is up to the individual whether or not he accepts a given 'way of life'. He writes (1952:69)

> ...if pressed to justify a decision completely we have to give a complete specification of the way of life of which it is part... If the inquirer still goes on to ask 'But why should I live like that?' then there is no further answer to give him...for in the end everything rests upon such a decision in principle. He has to decide whether to accept that way of life or not;...

Hare would not deny, of course, that many people acquiesce in the values and moral practices of the society in which they were raised. His point is that, in principle, any person's moral outlook ultimately rests on their decision to accept such a way of life. It is always possible for a person to reject the practices in which he was raised.

It is not obvious to me that we ever actually do or could make decisions in this absolute way. While it makes perfectly good sense to talk of someone having decided that he ought to take his child to hospital because she is sick, I think that it is doubtful that we can decide to adopt a way of life in which, say, killing other human beings is not regarded as an evil, or one in which making false promises is regarded as the morally right standard, and so on. At least I would not know what to make of someone who talked as if the entire content of all such judgements is dependent on his individual choice. (We will return to this point later.)

There can be no doubt that there are limits to what we ordinarily do count as a morally relevant reason; (limits set, I will argue later, by certain needs of persons and by

practices that are possible for a human society). All we require to recognize for the moment is that some such criteria do govern the moral reasons we give. In ordinary moral discourse, anyone will normally expect to see the relevance of a judger-relative reason and that the reason elucidates the judgement. Without such conditions, any consistently applied prescriptive judgement, no matter how unconnected it might be to a moral point of view, could be regarded as a moral judgement. In which case, universal prescriptivity would be (and is) bought at the price of making the concept of 'a moral judgement' vacuous.

I want to notice one final contrast between consistency A and the universalizability requirements. It concerns the alleged conflict between autonomy and objectivity in moral judgements. I have claimed already that a person who makes a moral judgement must be thought to be autonomous. We are required in contexts calling for a moral judgement to choose for ourselves what we will do.[46] This may seem to conflict with the view that moral judgements can be objectively correct, or that their correctness is publicly determinable.

We have seen, however, that whatever the content of our judgement, it must be objective at least in the minimal sense of satisfying consistency A. Thus if I maintain 'X ought to do F because of R' I can be challenged by showing that I do not always accept that anyone to whom R applies ought to do F, or that I cannot logically accept this. By consistency A, a judgement can be regarded as objective in the sense that it is open to this form of logical/rational appraisal. In addition, the judger-relative interpretation, U.R.I, marks a further distinction between those judgements which are minimally objective (in this sense of consistency) and those which are objective in that they do not rely on his name, or any other unique feature of the judger's make-up, or on the unique position in the world that only he could occupy. They are objective also in being independent of the arbitrary whims or idiosyncrasies of the judger.[47]

Judger-relative reasons are subjective, however, in the sense that once the above conditions are met, any view is as good as any other. For the judger-relativist, individual preferences are the ultimate source of moral value. Hence a judger might prefer a policy, we said, that emphasizes the general happiness or duties to others, on the other hand, it can be prejudiced in his own favour, or in favour of his own kith and kin, or his own race, etc. All appear to pass the relevance and elucidating criteria and are, thereby, universalizable under U.R.I. This suggests a way in which one's autonomous commitment to any set of U.R.I universalizable moral beliefs is subjective.

We can see this better, perhaps, by sketching two other ways in which certain judgements are thought to be objective. These are (i) the sense exemplified by the term 'objective' when it is used in deductive contexts. A lecturer marking a test in Logic, for instance, can objectively say that a student has scored 57%. There is no need, or scope, in such a grading for a judgement by the examiner. Clearly, objectivity of this kind has a cutting-edge which enables us to distinguish true from false, correct from the incorrect answers. In contrast, the marker of a philosophical essay must say that he judges that it is worth 57%. This brings us to a sense (ii) in which a judgement can be 'objective'. There are standards e.g. of relevance, knowledge of the topic, evidence of wide and selective reading, originality, that are applied when marking philosophical essays and with which the lecturer would justify the particular mark. An essay marker - on a good day and in the clearest cases - is able to claim that his mark is objectively justified by appealing to such standards. It is difficult to see how U.R.I judgements could be thought to be objective in senses (i) and (ii).

Some moral philosophers maintain that there are moral truths that have the hallmark of objectivity similar to (i).[48] They claim that there are judgements that would

remain true whatever anyone or everyone prefers, desires, thinks; for instance,

(8) No on should ever deliberately cause a child to suffer excessive and unnecessary pain.

Even in a world of sadists, who all rejected it, the judgement (8) remains correct, just as '26/50 + 31/50 = 57%' remains true, even in a world in which no one takes Logic tests or where there is no one in the universe who can count. On the other hand, it could be argued that (8) is true in the sense of (ii); there are publicly determinable criteria that apply to it and with which we can justify (8) as a prima facie correct moral judgement. The problem for the objectivist of either sort is to show how the objectivity of such judgements can be established and justified. Once the dust has cleared, nevertheless, I hope to establish how most of our fundamental moral beliefs are and autonomous singular judgements must be objective in the sense of (ii).

Before all of this, however, we need to consider what will turn out to be an irremediable flaw in our judger-relative rule U.R.I.

6. A weakness in U.R.I

I have not said what the criteria for contextual relevance are, I have asserted merely that we recognise them in everyday moral judgements. Since we lack them, we cannot say why any of our commonsense moral beliefs are to be regarded as relevant. A similar problem applies to the elucidating condition. I have claimed that for a singular judgement to be universalizable, its reason must issue a recognizably moral, as opposed to non-moral, conclusion. I have not said what the conditions are for recognizing such a connection; just that we do recognise the need for such a connection in everyday discourse. All of this will be dealt with in the chapters ahead.

We are faced by a more immediate problem. The fact that we can eliminate certain reasons as non-moral does not seem to get us very far when it comes to answering the 'which moral judgements?' question. A person could cite preference-stating reasons - that are recognised to be contextually relevant, in judgements that he would be willing to U.R.I universalize - which most of us think are utterly immoral. Reasons which affirm the domination, persecution, or extermination of one group by another, or which profess such things as racial or sexual discrimination, religious intolerance, and so on, pass the relevant and elucidating criteria. Most of us want to reject, for instance, reasons based on a racist theory like apartheid but we cannot deny that the racist's reasons are relevant to moral judgements. How do we reject such reasons merely with the resources of U.R.I at our disposal? What is more to the point: how are we to reject them without appealing to value criteria of our own?

Most writers of meta-ethics hold that we cannot. They argue that this shows that universalizability is a purely formal moral principle. What seems to be meant by this is that, by itself, the universalizability rule is empty as a positive guide to answering the 'which moral judgements?' question. Beyond a high level of generality (inconsistencies, self-frustrating directives, etc.), U.R.I seems to be woefully inadequate when it comes to determining the content of particular judgements, in terms of their being morally right or wrong. As J.Gilbert (1972:441) argues, the universalizability requirement

> ...neither enjoins nor forbids any consistent course of conduct.

The sin committed, however, is far greater than this. Gilbert and other writers go on to claim that the universalizability rule is not merely formal, but trivial. As D.Locke (op cit: 25), writes:

> ...as soon as any weight is put on this principle it seems to collapse into shattering triviality.

The triviality in question seems to stem from the role it plays, or rather fails to play, when it comes to distinguishing moral from immoral judgements.

On the other hand, some writers claim that U.R.I is anything but trivial. The preference-stating version of U.R., together with certain morally neutral (uncontroversial) assumptions, they say, does tell us what anyone morally ought/ought not to do. In other words, U.R.I is a material principle. If this is correct, it is just what we are looking for: a non-contestable criterion with which we can determine morally right and wrong judgements. So let us consider these claims in greater detail.

CHAPTER THREE

UNIVERSALIZABILITY AS A FORMAL AND A MATERIAL PRINCIPLE

Most moral philosophers hold that the preference-stating universalizability rule is merely a formal principle. Some add that therefore it is trivial. On the other hand, a few philosophers suggest that U.R.I, without any additional moral assumptions, does yield action-guiding judgements. They regard U.R.I as a material principle and anything but trivial. So I need to say what I understand by the formal/material distinction and then say how it applies to our versions of the universalizability thesis. Has U.R.I got to be regarded as a formal principle? If so, is it trivial? Or is a material interpretation of U.R.I possible? We face a different problem with the judger-neutral version of U.R., viz. U.R.II. If we could identify a significant set of judger-neutral reasons this would give us a material interpretation of U.R. However the question remains: Can there be any judger-neutral reasons at all?

In this chapter, in section (1), I will argue that a formal moral principle is one which, by itself, is inapplicable - whereas a material principle is applicable - to particular cases. I will show a number of ways in which any principle, formal or material, can be inapplicable. In (2), I will try to define the formal/material distinction more precisely and indicate how the definition applies to the U.R. thesis. In (3) I will argue that in terms of identifying morally right and wrong judgements, any formal version of U.R.I is trivial. However we might try to show that U.R.I can be given a material interpretation. We will consider, in (4), R.M.Hare's (1981) claim to accomplish this by showing that his version of U.R.I generates utilitarianism. And in (5) we will consider M.Singer's (1961) claim that he can obtain material moral conclusions with his version of U.R.I, together with an a priori principle

concerning undesirable consequences. I will argue that both accounts are unsatisfactory. In (6) I will suggest two ways in which U.R.II can be given a material interpretation. One of these interpretations points to a criterion for contextual relevance and a judger-neutral basis for moral reasons. Finally, in (7), I will bring together some of the important issues we have discussed in Part One.

1. The inapplicability of formal principles

As a first pass at defining the formal/material distinction, let us say that:

Def.B By a **formal** principle we mean a principle which must be supplemented with moral assumptions since it does not apply directly to particular cases. By a **material** principle, on the other hand, we mean a principle which, without the aid of any other moral assumptions, can be used to derive or to justify moral conclusions.

The difference suggested here between a formal and material principle is, in a nutshell, the applicability of the latter and the inapplicability of the former to particular cases.

There is an ambiguity, however, in the assertion that a formal principle is 'inapplicable to particular cases'. Firstly, and at its most extreme, we might understand this to mean that such a principle is not applicable to any particular practical judgement. It has no bearing on human action at all. Evidently there are such principles. As J.Benson (1981:229) writes:

> 'One ought to tell the truth or not to tell the truth' is obviously trivial since it cannot be violated.

A principle which cannot be violated or with which, whatever one does, one must comply, will not have any significant bearing on any judgement concerned with human actions. It seems quite reasonable to say that such a principle is trivial. However our U.R.I is not like this. A judger can choose whether or not to comply with it.

A second less extreme way in which a principle may not be directly applicable to particular cases is where the principle merely places logical or rational restrictions on the type of judgements that we might otherwise make. U.R.I sets such limits. It rules out judgements which the judger is unwilling to universalize or which lead to inconsistencies (etc.) when the rule is applied. It excludes the occurrence of purely individuating terms, arbitrary or contextually irrelevant reasons, and so on. Thus, as we saw, we cannot apply U.R.I to a variety of egoistic judgements, where these are based merely on a numerical reference to one individual or one group of individuals.

This is to tell us some of the judgements that we cannot make. It is a negative test. Those judgements which do not accord with U.R.I do not pass the rational muster. We could go a bit further. If a judgement cannot be rationally justified then it cannot be morally permissible and we have a (negative) duty not to perform such acts. In all of these ways, we might note, U.R.I is non-trivial.

This brings us to what I think is one of two important reasons why a formal principle might be said not to apply to particular cases. The principle, by itself, cannot specify which judgement morally should be made in a particular case. Taken on its own, a formal principle is not action-guiding. This strikes me as correct, though not very illuminating. For no practical principle, formal or material, by itself can provide a complete directive about what ought to be done. All practical principles have to be applied and, in applying one, we have to take into account facts about the world in which it is applied. So any practical principle, viewed simply in isolation, is inapplicable in this sense.

When the facts of a particular case are known, however, there is one kind of principle, a material principle, that can be directly applied to them to produce a moral conclusion. We will understand a material principle, this is to say, to be one that we can apply directly to the facts

of a particular case. On the other hand, there is another type of principle that can be applied to them only mediately. I think that this is the best way to understand the inapplicability of formal principles, viz. they do not apply directly, but only mediately, to particular cases. What exactly does this latter notion involve?

Before I answer this question, we need to consider some of the practical ways in which a judger might fail to apply any principle, material or formal, to particular cases. As a matter of fact, a judger can fail to directly apply a principle (i) because it is unclearly formulated. Either the principle, or one or more of its key terms, could be so vague or ambiguous that the judger cannot understand it. He may not be able to apply it (ii) because the facts of the particular case are uncertain or are not available. He may have difficulty in applying it (iii) because of the complexity of the context in which a judgement is called for. This is not to say that the principle itself is too complex or that the facts of the case are not known but, rather, that the judger is simply incapable of making all of the computations necessary for its application because of the complexity of the situation. Let me illustrate (i)-(iii) above.

Consider the utilitarian principle: 'Always act so as to promote the greatest good for the greatest number'. So stated, what seems to be a material principle might be thought to be vague, due to lack of clarity of the expression 'the greatest good'. The judger might be unclear about what the phrase refers to, or how to calculate the greatest good. If he cannot understand one or more of its central concepts, obviously he will fail to see how the principle applies directly. Let us minimize this difficulty by supposing that Bentham's account of the utilitarian thesis can be clearly understood: 'Act always so as to promote the greatest balance of pleasure over pain'.[49]

Nevertheless the judger may not be able to apply the utilitarian principle because the facts are not clear. According to Bentham, the determination of facts in a particular case is a quantitative, empirical matter. To calculate the facts, one must compare the 'utiles' (units of pleasure and pain) that will result from the various courses of action open to one, and then follow the course that will produce the greatest balance of pleasure over pain. However, even aided by the hedonic calculus, our judger may still be unable to apply it. This is not because the facts are unavailable but because the facts to be taken into account are so complicated or numerous that he cannot make an effective computation of them. These are some of the obvious problems we may have in applying any principle, material or formal.

This brings us back to our discussion of a third way in which a formal principle may fail to apply. When the facts of a particular case are known, we noted, a formal principle can be applied to them only mediately. The principle, by itself, is incomplete. It is incomplete as an answer to the question 'Which moral judgements ought anyone to make?'. In order to produce a moral conclusion, it needs to be supplemented by additional moral (or other evaluative) assumptions. To many of us, this difficulty seems to apply to Bentham's utility principle, which evidently he thought to be a material principle. We want to ask Bentham, "Surely the calculation needs to include not only quantitative but qualitative considerations as well?". For example, in terms of utiles, a broken arm may be said to be twice as painful as a broken finger. The pain that one feels at the death of a loved one, however, is of a different order to physical pain and cannot be measured on the same scale. Similarly, many of us would want to argue that the pleasure that one gets from reading a great work like The Iliad is of a qualitatively different order from that which results from playing pushpin. They cannot be measured one against the

other. We would argue, in other words, that for the utility principle to generate a value judgement, additional normative content needs to be brought into the account. This is just as Mill maintained all along.[50] However, so interpreted, since additional normative assumptions are needed in order to apply it, the utilitarian principle ceases to be a material principle.

At first blush, it seems that the universalizability principle fails to be directly applicable to particular cases in the same way as the sketch given of the utilitarian principle. As we noted earlier, there is no standard formulation of it and it is often unclearly formulated. This I tried to overcome in the first chapter, by defining universalizability in terms of U.R. and, in Chapter Two, by adding U.R.I and U.R.II to secure some level of contextual relevance in the reasons that we give. Nonetheless we can fail to apply U.R.I or U.R.II because we are unaware of the facts. Or the facts involved may be too complex for us to see how to apply the rule to them. Also U.R.I, like the formal rendering of utilitarianism above, is usually interpreted as being incomplete as an answer to the 'which moral judgements?' question. What I mean by this is that given a formal interpretation, U.R.I does not yield, either alone or together with other non-moral premises, any moral conclusions. Additional normative assumptions are needed in order to apply it.

Let me now try to make the distinction between a formal and a material principle more precise, in the light of the discussion above.

2. The formal/material distinction

As a second pass at defining the distinction between a formal and material principle, consider the following:

Def.C. A formal principle contains centrally within it a neutral, yet unspecified variable, (where by an 'unspecified variable' we mean a variable which

> fails to specify the type of property that is morally relevant); whereas a **material** principle is one which contains centrally within it a variable that can be replaced by a descriptive reason which specifies a neutral yet morally relevant property.[51]

In terms of the definition above, we might understand U.R.I to be an example of a formal principle; viz.

> If I judge that X morally ought to do F because of the judger-relative reason R then I must judge that anyone to whom R applies morally ought to do F.

U.R.I can be interpreted as a formal principle, in compliance with Def.C., since it contains the unspecified variable 'judger-relative reason'. (Other terms in U.R.I, of course, can be regarded as unspecified variables but for our purposes this can be ignored.) Let me make the point here in another way. I argued earlier that to apply U.R.I, the judger's preference-stating reason in his singular judgement must be contextually relevant; but there is nothing in U.R.I that tells us which properties are to be so regarded. Hence it can be maintained that by itself, U.R.I applies only mediately to particular cases. It is incomplete as an answer to the 'which moral judgements?' question.

On the other hand, if we were to replace the variable by a description of a property, for instance, 'things with the same needs', the situation appears to be quite different. For in contrast with U.R.I, we now have a version of U.R. which does indicate the type of thing which is considered to be morally relevant, viz. 'things with the same needs'. Also this appears to yield a theoretically possible, judger-neutral version of U.R, viz. U.R.II. We might state U.R.II in terms of Def.C. thus

> If I judge that X morally ought to do F for the judger-neutral reason R, where R refers to certain needs, then any rational person must judge that someone with the same needs morally ought to do F.

Clearly, one way in which the suggested version of U.R.II differs from U.R.I is that the former can be understood as offering a positive answer to the 'which moral judgements?' question. I should make those judgements which are supported by reasons concerned with certain needs of individuals and in which things with the same needs are judged to be alike. Of course I would have to show, by force of argument, that 'things with the same needs' is a morally relevant ground for claiming the likeness of cases and that it is actually judger-neutral. (This I hope to do in the chapters ahead.) In the absence of such an account, we will concentrate on U.R.I.

We are interpreting U.R.I - in the way it is usually understood - as a formal principle. (I should add, parenthetically, that we might not have to interpret U.R.I as a formal principle; as we shall see, we might try to show how preference-stating reasons in U.R.I lead ineluctably to material conclusions.) For the present we will understand U.R.I to be a formal principle, meaning by this that by itself U.R.I is inapplicable as a moral answer to particular cases. We have seen what this inapplicability involves. But why does it make U.R.I trivial?

3. The triviality of formal versions of U.R.I

There is a fourth sense in which a moral principle is not applicable to particular cases, namely, when the principle allows almost anything to count as a relevant reason, so that there are very few acts or policies to which the principle could not be applied. And this seems to lead to the justification of several judgements which are patently unjustifiable.

Since there are only contextual limits on the preference-stating reasons a person may be willing to universalize, we can substitute for R in U.R.I reasons in favour of selfishness, of being overbearing or aggressive, or which advocate racial, sexual or religious discrimination, etc.

Even after fully and knowledgeably subjecting themselves to the reversibility test, in propria persona, unyielding egoists, racists, sexists, et. al. may be willing to universally prescribe the judgements in question. And here is one reason why versions of U.R.I are said to be trivial.

I may judge, for instance, that I ought morally to pursue my career in an uncompromising way and do so at the expense of others. Assuming that the judgement is one that I am willing to universalize, I am committed to prescribing it for anyone who is in the position to confer such a benefit on himself. And so long as I think that the original reason is conclusive - if I place sufficiently high value on a regime under which individuals strive competitively to promote their careers - I will continue to argue that the reason is conclusive, even when my colleagues promote their careers at my expense. Similar considerations apply to racism. Advocates of apartheid, who refer with enthusiasm to the most trivial features, such as the colour of a person's skin, or (if that is uncertain) to the shape of his nose, or the frizz in his hair, as grounds by which they are prepared to morally differentiate - the classification of people in South Africa into racial groups, often boils down to reasons of this sort - may knowingly and willingly subject themselves to the reversibility test in propria persona. And let us not forget, the racist regards such properties as relevant reasons in judgements concerning such things as employment, housing, education, politics and for racial discrimination in the use of most social facilities.

There are many more differences between people upon which judgements, which are allowed by U.R.I, can be made yet which in practice most of us would judge to be morally wrong. For example, as J.L.Mackie (1977:89) notes, normally we would judge:

> ...it is unfair to discriminate in the provision of educational opportunities on grounds of sex; it is unfair to discriminate in the allocation of council housing on grounds of religious affiliation.[52]

None of the above are excluded by U.R.I. Only if we had a restrictive account of morally relevant properties could we fault such reasons.

This is why, in his earlier works, R.M.Hare found he could not rule out, by his account of universalizability, the Nazi ideal which enjoins the systematic extermination of the Jews. He attempted to undercut the position by arguing that most fanatics are not clear-headed, fully informed or factually correct. However Hare recognised that a convinced and informed Nazi may be quite prepared to universalize his monstrous judgement. He might be consistent enough to say, even insist, that if he or his children turn out to be Jewish, they too should be exterminated; he might be imaginative enough to realise what it would be like to be in the position in propria persona of the people he is proposing to slaughter. Yet no matter how outrageous the Nazi policy may seem to us, Hare would not be able to show him that he is morally wrong. In a notorious passage, Hare (1963:184) writes:

> If there are people so wedded to some fanatical ideal that they are able to imagine, in their full vividness, the sufferings of the persecuted, and who can still prescribe universally that this persecution should go on in the service of their ideals, even if it were they themselves who had to suffer thus, then they will remain unshaken by any argument that I have been able to discover.

Hare claims that such fanaticism is rare. (It certainly isn't rare in Southern Africa.) Anyway, this is small comfort to a moral philosopher.

The criticism made against Hare here is that his universal prescriptivism cannot determine which acts are right or wrong, precisely because he is unable to determine which descriptive properties are morally relevant. As O.O'Neill (1975:18) observes:

> Of the many particular judgements which may be made about a particular act we need to know which should be universally prescribed...otherwise universal prescription will not be action-guiding.

At one time, Hare (1952/1963) would have dismissed this criticism as based on a misconstrual of universal prescriptivism as a normative system. But, as we shall see shortly, he does not any more.

We might try to defend the importance of U.R.I by reminding ourselves that the willingness to universalize in propria persona is at least a test of the sincerity of the fanatic's judgement. This I have argued is correct. However it doesn't get us to grips intellectually with his argument. The fact that the Nazi sincerely holds his views to be morally right means, presumably, that he thinks them to be true, (rather than an arbitrary choice he has made). The Nazi cannot say "These are my moral principles though, of course, I agree that they are false". This would be nonsense in moral, just as it is in any other area of discourse. If the sincere Nazi does believe his theory is true, with only U.R.I to hand, it doesn't look as though we could fault him, let alone refute him.

I said earlier that this is one reason why, interpreted as a formal principle, U.R.I is thought to be trivial. It merely sets certain rational limits - viz. inconsistency, insincerity and the like - to action-guiding judgements and policies. We cannot then argue, as Hare seemed to, that those judgements that do conform to it are rationally justified.[53] It goes without saying that we cannot establish that a judgement is rational on the basis that it has not been proven irrational. U.R.I would have to be shown to be a sufficient condition for the rationality of moral judgements. It seems odd, however, to think that it could be. It seems odd to say to the Nazi that the views he prescribes are rationally warranted, or to say to a convinced racist that though your principles are not mine, I can see that they are rational. What seems much more likely is that in addition to universalizability, there are other requirements that a moral judgement needs to satisfy

to count as rationally warranted and that the Nazi's and racist's views fail to meet these other conditions.

Even less would we be prepared to say that any practical judgement which satisfies universalizability _in propria persona_ is thereby morally permissible. A judgement is morally permissible, we noted, if it is morally right for someone to do what it prescribes or not as he chooses. U.R.I does not rule out the systematic extermination or the consistent mistreatment of people. Far from being morally permissible, ordinarily we would say that judgements like these are monstrous. We would fault them, to say the least, for lacking respect or sympathy for the victims. As things stand, however, we have no grounds for thinking that an appeal, say, to 'respect for persons' has a neutral, rational import, that it would need to have to supplement U.R.I. Rather, it seems to be an _ad hominem_ or persuasive device to get the Nazi or racist universalizer to be moved by the circumstances of the people that he persecutes. Nevertheless it is clear that some such extra provision is needed to satisfy our ordinary understanding of what is morally permissible.

It follows _a fortiori_ that we cannot claim that every judgement that satisfies U.R.I is morally right, or that we ought to perform actions, or support policies, merely because they can be universalized in this way. If we cannot distinguish permissible actions from the rest by U.R.I, it will not be sufficient to distinguish moral duties or principles of action.

There is a further and more important aspect of triviality that must be mentioned. A wide range of moral judgements, including opposed and irreconcilable ones, seem to be compatible with U.R.I. Just as the sincere Nazi or racist could universalize _in persona propria_, so can the committed anti-Nazi and anti-racist. The conflict here need not be the result of one or other of the adversaries misunderstanding the universalizability requirement, or due

to their ignorance of some relevant facts, or the inability of the judger to effectively compute the facts. The committed Nazi and anti-Nazi, racist and anti-racist, sexist and feminist, etc., all can universalize *in propria persona*. The fact that such diametrically opposed and irreconcilable outlooks satisfy U.R.I suggests that the weight of moral distinctions falls entirely upon the extra evaluative assumptions, which are required in addition to U.R.I in order to produce a moral judgement. The significant moral content of judgements is to be found in these further assumptions. They are the source of the wide and intractable differences in moral outlook. It is little wonder that D.Locke (1967), J.Gilbert (1972) and others suggest that, interpreted as a formal principle, a U.R.I-type universalizability rule is trivial.

Before concluding this part of the discussion, we should notice that the triviality here is not due to the way in which I have defined 'a formal principle'. If this were so, any formal principle would be trivial. However we have seen that on my definition, J.S.Mill's modification to Bentham's principle makes his version of utilitarianism a formal principle. Mill (1861:259-260) argued that pleasures differ in quality and we ought to prefer a smaller quantity of higher pleasure to a larger quantity of the lower sort. The smaller quantity, we noted, must contain some element of value which makes it more desirable than the larger quantity of the lower sort. This element cannot itself be pleasure since, if it were, the smaller quantity of higher pleasure would just be more pleasure. Hence Mill has to admit elements of value which are not pleasure. Regarded in this light, I contend, Mill's version of utilitarianism applies only mediately to particular cases. It is a formal principle.

Unlike U.R.I however, the formal version of the utilitarian principle would not permit contradictory or contrary moral judgements. By this rule, a particular

judgement and its contrary cannot both be thought to promote the greatest pleasure. (At least I cannot think what a set of prescriptions would be like such that conformity both with it, and with its contrary set, would promote the greatest happiness for the greatest number.) Interpreted as a formal principle, moreover, moral distinctions do not fall entirely upon the additional evaluative assumptions which have to be added to the utilitarian principle in order to produce a moral judgement. Even as a formal principle, utilitarianism has a positive moral content. If it is true that doing a certain thing F will result in more qualitative pleasure than another thing G, then there is nothing morally better that I can do than F. The result of any action which deviated from F would be less good. Unlike U.R.I, then, what I am calling Mill's utilitarian rule does contribute significantly to judgements that can be thought to be morally justified. The general point here is that a principle such as this may be formal yet not trivial in the two senses we have discussed.

The next question we must ask is: do we have to interpret U.R.I as a formal principle? It seems not. If it is to be regarded as a material principle, we noted, this must be because it combines with some other morally neutral condition and, as a result, has a direct bearing on situations which require a moral judgement. Some philosophers understand U.R.I in this way. They claim, this is to say, that the preference-stating version of U.R., together with further uncontroversial assumptions, does tell us what morally we should do. What is surprising is that R.M.Hare, in his most recent contributions on the subject, makes such a claim.

4. Hare and preference-utilitarianism

In several of his recent publications, Hare has claimed that the logical properties of universal prescriptivism (our

U.R.I) generate a substantial moral view, namely a form of utilitarianism. He writes (1981:111)

> ...the requirement to universalize our prescriptions generates utilitarianism.

Although he does not explain his use of 'generates', the clear suggestion is that there is a non-contingent relationship between U.R.I and preference-utilitarianism. Now if this is so, it is just the result we are looking for; a neutral rule that, in some way or another, gives rise to substantive moral results.

At first blush it does seem an odd claim for Hare to make. After all, originally Hare's view was that provided that he is consistent, a universal prescriber might choose any normative principle at all. He certainly did not need to choose utilitarian principles. The earlier Hare (1963:32) says explicitly:

> ...no moral judgement or principle of substance follows from the (universal prescriptivist) thesis alone.

And we are told (ibid:89):

> Ethical theory...provides only a clarification of the conceptual framework within which moral reasoning takes place; it is therefore, in the required sense, neutral as between different moral opinions...

As long as he holds them consistently, even the Nazi universalizer can rationally prescribe his views. The best criticism that Hare could offer, as I indicated earlier, is that such a person is a 'fanatic'.[54] On the recent utilitarian account, however, fanaticism of this sort is no longer an embarrassment. The fanatic's mistake now is that he takes no account of the preferences, desires, values, ideals, of the people he persecutes. The puzzling question is how Hare justifies the transition from the moral neutrality of U.R.I to utilitarianism.[55]

I think the answer is that it results from a confusion between the different accounts Hare gives of the

reversibility condition, (i) in propria persona (ii) role reversal and (iii) the ideal observer.[56] His original position, as we saw, was that in propria persona considerations are a legitimate and theory-neutral extension of universalizable prescriptions. On the other hand, in his later writing we are told that when someone universalizes, he is not required merely to imagine himself in the other person's place, yet still with his own preferences, etc. Rather, he has to imagine what it would be like to be in the other person's shoes having **their** preferences. He has to take on board, so to speak, the other person's desires, values, ideals, qualities and abilities, as well as his own.

The recognition of this putative logical extension to his original position allows Hare considerable advantages. The Nazi's mistake is that he takes no account of the preferences of the person he persecutes. Similarly, when we apply this formula in the racist example, Smith should not ask himself in propria persona: 'How do I react to the thought of someone not hiring me, a white man, still with my own racist values and ideals, if I were black?', Rather, he should ask the much more imaginatively demanding question:'How do I react in the hypothetical case where I have Jones' quite different desires, preferences, interests and values including, perhaps, anti-racism?'.

However the argument here seems less congenial to anti-racism than Hare (and the rest of us) would want. The racist could argue that if it is a rational requirement that he has to imagine himself with the other person's desires, then, mutatis mutandis, when making a moral judgement, the black man must imagine himself to have the racist's desires, etc. If the roles were reversed and the black man was to empathise in this way with the racist, presumably, the black man might recognise skin difference to be morally relevant. Perhaps he would not then think that job discrimination against someone on the basis of their colour is immoral. At

least there is nothing in Hare's account, thus far, that tells us why he should.

A second difficulty is that with only the resources of tests (i) and (ii) to hand, our judger does not have a single unified standpoint from which to establish a preference-ordering. It seems to make it impossible for us to do anything to another person which they would strongly prefer us not to do. If my youngest daughter deliberately sets fire to a ten pound note, I might think I ought to punish her in the hope that it will discourage her from burning money in the future. She, of course, will be totally against the punishment. By the role-reversal test, I too would strongly prefer not to be punished. So role-reversibility appears to direct us never to act against anyone's earnestly held opposing desires. For otherwise it would mean that we were doing to them what we would not want done to us if we were them.

A third difficulty is that even if we grant the dubious contention that a sufficient amount of imagination could enable two people, with very different preferences, to empathise their way into each others shoes, nothing guarantees the moral justifiability of the preferences themselves or the conclusion which results from them. Even when appealed to by two people who genuinely desire to balance their preferences off against each other, there are no grounds for thinking that they will identify, thereby, what they morally ought to do.

A fourth difficulty is that adhering to the role-reversal test with respect of one person may require that we break the rule with respect of others. If my daughter burns your ten pound note, doing to her what, no doubt, you would desire me to do to her, would involve doing something that she would not desire. In this way the role-reversal test inevitably breaks down when it is applied in the many situations where the preferences of different parties

conflict with each other. In fact it will break down in those situations where moral problems typically arise.

So the reasonable thing to do, it seems, is to discover a course of action which would, if followed, apply the reversal test to all of the different parties. The calculation has to include the desires of all of those who will be affected by the action. And I ought then to satisfy the strongest net desire. This is Hare's solution. For instance, in applying the third test to my daughter's note burning, I must be prepared to frustrate her desires in favour of the stronger felt and more numerous desires of those who will be affected by her action. The racist Smith must weigh his desire for racial advantage against all of the desires of the threatened and subjugated non-whites. The Nazi fanatic's mistake is that he takes no account of the preferences of all of the Jewish people he persecutes. When he does, he will forego the planned act because to do so will now accord with his strongest desire.

We can see now where a kind of utilitarianism[57] fits into the picture. According to Hare, the 'ideal observer test' requires that a moral judgement should result from what, on balance and after reflection of the relevant facts, each individual desires. For a morally correct judgement we must try to discover which course of action satisfies more desires of more people, or satisfies them to a greater degree. Thus it seems that Hare thinks that from the moral neutrality of universal prescriptivism he can generate a form of utilitarianism. It all seems deceptively simple.

Needless to say there are many problems with Hare's proposal. In the first place, in many cases it is difficult to see how one could satisfy the requirement that the judger must give weight to all divergent preferences. We have seen that, in the simplest of cases, we might be able to formulate universalizable judgements which can be endorsed from every point of view; or, at least, we may be able to identify some judgements that represent an acceptable

compromise between different views. But how are we to arrive at such judgements where there are radically divergent preferences, as it is with most of our more obstinate moral disagreements?

This brings us to a more important reason why Hare's proposal fails. Even if Hare succeeds in showing that the maximum satisfaction of preferences is the same as the universalized prescriptions of the ideal observer (in his sense of the latter notion), we still need to be convinced that the maximum satisfaction of overall preferences is one and the same as the moral point of view. Why should the latter be the same as the maximum satisfaction of preferences? Why not the minimum; or some other point? Why should the moral point of view be identified with the satisfaction of preferences at all? Certainly Hare's 'maximum satisfaction of preferences' does not seem to provide a satisfactory explanation of some of our uncontroversial moral beliefs.

Let us consider one such belief: the belief that to kill another human being against his will is morally wrong. Presumably Hare would say that killing a person who prefers to continue to live is morally wrong because it is contrary to the victim's very strongly felt overall preferences. One problem here is that if I kill someone from whatever motive, I am not doing anything which can then affect his preferences. Dead men don't have preferences. There is no victim around to lament the fact that his preferences have been disregarded. (Provided that I kill him quickly and painlessly, no unhappiness is caused to him.)

Hare might try to give the dead individual a 'preference rating', treating the victim's untimely death as something like a very great pain that he has suffered and that most individuals would prefer not to suffer.[58] But this can't be right. As we noted earlier, we might conceivably measure the pain of a broken arm with that of a broken finger, but we cannot equate our own or another's death with something

like a broken arm. They are qualitatively of a different order. Neither is my preferring not to be killed a worry about the great pain I fear in the act of dying. Rather, if it can be correctly described as a preference at all, it is a preference not to cease to exist. It is, first and foremost, a worry about the dissolution of my personality. This can hardly be regarded as analogous to suffering a great pain. Similarly, my grief at a relative or friend being killed will not simply be a matter of a worry about his or her suffering, which I would prefer them not to have had. Nor will it only be a feeling of personal loss I would prefer not to have. My grief is primarily directed at his or her ceasing to be a person.

However, let us assume for the sake of argument that the person who is killed can be said to have preferences. Hare is then faced by another objection. Undoubtedly the killer too has preferences and it seems to be analytically true that, in cases of wilful homicide, one of these preferences is to see the would-be victim dead. How, then, are we to arrive at a trade-off of preferences that will, at the same time, show us why the preference of the victim should prevail?

Hare's point is, of course, that we should choose those judgements which cover the maximum number of preferences of the individuals involved. Even if the victim no longer has any preferences, the killer's preferences would be outweighed by the strongly felt preferences of the deceased's own family and friends, who would prefer that he had continued to live. Is this what makes murder morally wrong? Consider the case of Smith, whom a gang, including members of Smith's own family, murder with a 'necklace' in a South African township. We may safely assume that by far the majority of those present (strongly) prefer to see Smith dead. Since the gang members are in the majority, merely on a calculation of preferences, the preference utilitarian also would seem to be committed to saying that they are

doing the morally right thing by murdering their victim. The balance of preferences is in the gang's favour. Yet it would be nonsense to suggest that this makes their prima facie wicked act morally justified.

If we turn from murder to torture and other kinds of cruelty, are we to say that any person who is being badly mistreated should subordinate his preferences, perhaps completely, to compromise with the preferences of those who are mistreating him? No doubt we ought to be tolerant of the views of others. But must the Jew compromise with the preferences of the convinced Nazi? Surely the bounds of tolerance fall short of suicidal acceptance?

To avoid this, (a standard criticism, of course, of preference-utilitarianism), Hare might try to reformulate the general principle to something like: 'One's universalizable judgements should maximise preferences except when this involves murdering, torturing, or in some other way persecuting, someone'. However this would seem to reduce preference-utilitarianism to an ad hoc procedure and, at the same time, it would rob the doctrine of its simplicity which was its initial attraction.

There is one other flaw that I want to mention. Hare's transition from universal prescriptivism to utilitarianism depends upon what I have called test (iii) viz. the 'ideal observer' interpretation of the reversibility condition in U.R.I. He claims that test (iii) can be established as a fundamental and inescapable principle of logic. It is a consequence of the logic of moral discourse. However, unlike universalizability in propria persona, the principle 'One should give equal weight to the preferences of everyone affected by the judgement' is not a neutral rule. Anyone who asserts it, I maintained, is taking a moral stand which someone else, quite reasonably, might not accept. Someone might argue that the moral thing to do is to give more weight to those who deserve to have their preferences satisfied. Thus if U.R.I is a neutral principal -

neutral, that is to all moral theories - the 'ideal observer' reversibility condition is not merely an extension of U.R. as Hare claims it to be.

5. Singer's ultimate moral content

M.Singer (1961/1985) also thinks that his version of U.R.I universalizability is a material moral principle. Together with one other uncontroversial assumption, it gives rise to moral judgements. Singer calls his version of U.R.I 'the generalization principle' (G.P.).[59] This states (1961:5) that

> ...what is right (or wrong) for one person is right (or wrong) for any similar person in similar circumstances.

G.P., like U.R., applies to the whole family of normative terms, 'good', 'ought', etc. (which can be substituted, mutatis mutandis, for 'right' in G.P.).

Singular moral judgements, in Singer's theory, also have to satisfy what he calls 'the principle of consequences', (P.C.). This principle (ibid:63) states:

> If the consequences of A's doing X would be undesirable, then A ought not to do X.

Singer claims that P.C. is a pre-condition of moral reasoning and he claims that its denial is self-contradictory. From G.P. and P.C. we may derive a third principle, 'the generalization argument' (G.A.) which is, in effect, the core of Singer's thesis. We are told that together, G.P. and P.C. (ibid:65) give us:

> If the consequences of everyone doing X would be undesirable, then not everyone ought to do X

from which we obtain G.A. that, at its clearest, is stated (ibid:4) thus:

> If everyone were to do that, the consequences would be disastrous (or undesirable); therefore no one ought to do that.

To claim that a judgement is universalizable, in other words, means that it does not prevent something which is, or should be, a further incontrovertible end of human

action, namely the avoidance of disastrous or undesirable consequences.

There are several problems with the line of reasoning above but we will confine ourselves here to some obvious weaknesses of P.C. and G.A.[60] First of all, it is not at all clear that P.C. is the logical truth it is claimed to be. To establish that the consequences of a singular judgement would be disastrous, is not to establish a formal contradiction. It might be something that, psychologically, we would all be unwilling to endorse. But this is not the hallmark of a logical truth. Secondly, even if for the sake of argument we allow that P.C. is a logical truth (i.e. 'disastrous consequences' is understood to be logically equivalent to 'morally wrong'), we are still entitled to ask "what kinds of consequences are disastrous?" As we shall see, once any weight of this kind is put on P.C. it does not yield many uncontentious answers. If we consider G.A. then the difficulties increase. First, it is not obvious that an action is morally wrong just because the result of everyone doing it would be disastrous. The action may be wrong in itself. In which case, the disaster which results in everyone doing it would simply be the sum total of each individual misdeed. Second, and more importantly, it is not clear that Singer's G.A. can provide a satisfactory explanation of some of our uncontroversial moral beliefs.

Consider again the principle that 'killing another human being against his will is morally wrong'. It is <u>prima facie</u> wrong, Singer would say, because of the undesirable consequences - to say the least - that result from universalizing a murderous act. Our question, for Singer, is: undesirable for whom? Suppose that we say that the undesirable consequences are to everyone in society. We might explain this by pointing out that the killing of the person may become known to other persons, who due to this knowledge, have a more gloomy estimate of their own chances of living to a ripe old age.[61] Are we to say, in other

words, that the major moral objection to killing is not to the wrong done to the victim, but to the undesirable consequences that would result for those left alive? If so, one of the many oddities of saying this would be that there seems to be nothing morally wrong with killing another human being if it is done in complete secrecy, or if those left alive do not learn about it. Their state of mind would be exactly the same as if the killing had not taken place. Clearly, this will not do. When a murder has been committed there is a moral wrong done which, by no stretch of the imagination, can be equated merely with the undesirability, or sense of impending disaster, felt by his family or by the rest of society.

There is another way we can show that the prima facie wrongness of killing cannot be explained as primarily a matter of undesirable or disastrous consequences for those individuals who survive it. If we were able to universalize a singular judgement in which F is an act of killing, the situation we might be describing could be like the disastrous consequences of a total nuclear war, in which the entire human race is wiped out. If this situation is regarded as morally repugnant, it cannot be in terms of our concern for the disastrous consequences for the poor souls who survive it. For ex hypothesi there is no one left to suffer the consequences. Surely, irrespective of the fact that no one is left to suffer, we would regard the extinction of our own species - as we do, perhaps to a lesser degree, that of any other species - as something which would be a great tragedy in its own right.

Should we say that unnecessary killing is wrong because of the undesirable consequences that result for the victim? I don't think so. Suppose that Jones commits adultery with Mary Smith without Tom Smith's knowing it. If he - and everyone else - is ignorant of the act, it would be difficult to see the undesirable consequences which Smith or others might be said to suffer. Even though it may be

argued that he will suffer in a small way, for instance, by a noticeable decrease in his wife's attentions to him, the wrong that is being done to Smith cannot be equated with the undesirable effect on him. Similarly, the wrong done to the victim of an act of murder, when he is dead and is *eo ipso* ignorant of the fact that he has been murdered, does not seem to get to the heart of the immorality of the matter.

If the arguments above are correct, the wrongness of killing a person is not adequately explained in terms of the disastrous consequences for the victim or the survivors. Can we say that the consequences of some things are thought to be disastrous *simpliciter*? Singer seems to think so. There are many clear cases, he tells us, where there is no question that something is disastrous. He gives as examples (*op cit*:94):

> An earthquake is a disaster, so is a tornado, a shipwreck, or a plane crash, and so would be a nuclear war; and this does not depend upon anyone's theory of value, or on anyone's interest or point of view...

It is clear that these examples only count as disasters in Singer's sense - and thereby, work as uncontroversial (neutral) restrictions on universalizable reasons - if we all share the same view about the unacceptability of the consequences. And we do not.

Take Singer's example of nuclear war. Most people would agree with him that nuclear war would be a disaster. However some people manage to subordinate this view to an ideal they consider to be of more importance. They say it would be better that we all perish in a nuclear war than to be made to live in a communist state. ('It's better to be dead than red'.) Is such a judgement immoral? I would say so. But it would be difficult to show this in argument, having only P.C. and G.A. at one's disposal.

This is not an exceptional example, which might suggest that otherwise there is general agreement about which disastrous consequences are morally wrong. We would all accept, for instance, that the conditions of drought

suffered by people in the Horn of Africa for the last decade, is a disaster. Such conditions are the cause of misery, famine, disease and, for many people, an early death. All of this could be agreed. But the moral implications of the disaster can be queried. It is suggested by some, for instance, that if affluent First World countries continue to help these poor people, one day the affluent nations will be unable to look after themselves.[62] In 50 years time, when the world's population could be three times its present level, the number who will then die from famine and disease, or who will struggle on in absolute poverty, will be much greater. The capacity of affluent nations to help could be exhausted and they will have jeopardized their own well-being. Thus, it is argued, the Ethiopians should be left to starve today for otherwise they will drag the rich nations down with them tomorrow, which is seen as an even greater disaster. The point is, using Singer's criteria, we cannot fault the person who is prepared to accept the disastrous consequences of a present policy of non-intervention, where this is done in the name of a putatively greater disaster.

The cases above, no doubt, are ones where all the disputants agree about the disastrous consequences, but disagree about whether or not this should be tolerated for fear of even worse results. This is not always the case. Many of our more serious moral disagreements are concerned with whether or not the projected consequence would be a disaster. For the military-minded man, if everyone were to conscientiously object at a time of war, there would be no one to fight the war and that would be disaster. For the pacifist, this is just what should happen. For a Catholic woman, whose life is put at risk if she becomes pregnant, the idea of contraception is nonetheless highly undesirable, if not a disaster. For the non-Catholic, it is the woman's religious commitment that is disastrous.

Finally, even if it is agreed that the final outcome of a judgement is disastrous, it can still be disputed whether or not this makes it morally wrong. Consider Sartre's famous example of one of his students, a young man, torn between joining the Resistance and caring for his elderly mother. The main point of this example, for Sartre, is to show that previously accepted principles are of no help in this type of situation; i.e. a moral dilemma. The student accepts both that one ought to serve one's country and that one ought to protect one's parents. But this tells him nothing when, as here, the principles point in opposite directions. Which alternative should he take? Let us suppose that, forced by the circumstances to make a choice, the young man decides to join the Resistance. Let us suppose also that as a result his mother dies of a broken heart while he spends the rest of the war performing a useless clerical task, in an office well away from the front. No doubt we would regard the consequences as undesirable, if not disastrous, for everyone concerned. However it is not clear that, given the circumstances in which he made it, we would say that the young man made a morally wrong judgement. We will return to this discussion later. I hope that I have said enough in the discussion so far to show that when we probe some of the possible applications of Singer's G.A. we are not, in fact, provided with uncontentious moral judgements as answers.

We have now considered - though not with the details it requires[63] - what we are calling judger-relative material accounts of U.R., viz. those found in the recent writing of R.M.Hare and M.Singer. The respective appeals to 'preference-utility' and 'disastrous consequences' let important indeterminacies into their systems. As a result, each has to import controversial assumptions into his account and so forfeits the claim to moral neutrality. So our problem is still to find a theory-neutral criterion for contextual relevance. In other words, we are looking for a

criterion for the descriptive content of reasons which, while not importing moral assumptions into our account, picks out those features we can appeal to as constituting relevant reasons and rules out the rest; and which, at the same time, provides an explanation of our ordinary moral beliefs and with which anyone can determine right from wrong actions.

The time has come for us to consider if there are any reasons which, for the purposes of moral evaluation, always count as the correct reasons for universalizable moral judgements. This is to say, we need to consider possible judger-neutral candidates for R, in U.R.II.

6. Towards a judger-neutral material account

There are at least two ways in which we might try to give a judger-neutral, material interpretation of R.

(a) We might ask if there are any properties that are **essential** to all human beings. They must not contain any controversial moral assumptions yet they must be relevant to moral judgements so that we may use them to judge different cases to be alike. The proposal is otiose, of course, unless we can say what the essential properties are,[64] why descriptions containing them are morally significant and, then if we can say, what the relationship is between the essentialist description and the associated moral judgement.

(b) Alternatively, we might argue that in our moral judgements it is rational to presume that all cases are alike - we assume all people to be alike, or at least all of those involved in a given situation - and then place the burden of proof on anyone who wants to judge individual cases differently. The judger would be required to make the same judgement for all prima facie like cases and show that there is a difference between a particular case and all the rest, which warrants a difference in judgement. A similar strategy is proposed by S.Benn and R.S.Peters (1959:111) in

their justification of the principle of equality. They write of this principle:

> ...it is a presumption against treating them (human beings) differently, in any respect until grounds for distinction have been shown...The onus of justification rests on whoever would make distinctions.

If we exchange the reference here from 'treating' to 'judging', we have the following presumptive account of U.R.

> If I judge that X morally ought to do F because of the reason R, then I may presume that R applies to all prima facie like individuals Y, Z...and that Y, Z...ought to do F; and the burden of proof is on anyone who wants to judge some individual W differently.

The presumptive interpretation appears to have all of U.R.'s features. Also it appears to be a material principle. At least, we can see how to judge in those cases where there is no clear evidence of difference between individuals. Only where there is evidence, is a difference in judgement warranted.

Leaving aside the question of the merits of either interpretation for the moment, the difference between (a) and (b) is of consequence and is worth stressing. One advantage of interpretation (b) is that it would serve as a guide in those cases where we cannot decide in what ways, or to what extent, individuals are similar or different. For (b) requires that we judge things to be alike where distinctions cannot be shown, or until grounds for a distinction can be shown. In contrast, (a) is no help in such cases; for, ex hypothesi, no judgement is warranted in cases where we cannot decide whether or not the individuals share the same, morally relevant, essential property.

Let me illustrate the difference here. Consider again the case in which Smith and Jones are brought before a magistrate for the same offence. (They are both found guilty of driving their cars in an unroadworthy condition.) Let us suppose that Smith gives mitigating circumstances in

an attempt to show why he should not be punished for the offence. Now if the magistrate's judgement is based on the presumptive interpretation (b), he might decide that since Smith has put forward grounds which show the exceptional circumstances of his case, he is entitled to a more lenient judgement, (i.e. that Smith should not be punished like Jones). On the other hand, if the magistrate bases his judgement on the essentialist interpretation (a), he might not come to this decision. In order to apply (a) the magistrate must determine whether there are other driving offenders with 'similar mitigating circumstances' (assuming of course, that 'similarity-of-mitigating-circumstance' is an essential property), who were nevertheless punished. Thus on the one hand, (a), the magistrate must determine whether Smith's case belongs to an established category of cases which are deemed to merit a difference of judgement; on the other hand, (b), the particular circumstances of Smith's case alone could justify the magistrate's difference of judgement.

It seems, then, that the presumptive interpretation (b) might serve as an action-guiding principle. Whatever judgement one makes in a particular case, the same judgement would apply in all cases where the judger is ignorant of relevant differences, since the grounds for discrimination cannot be shown. Whereas the essentialist interpretation (a) would serve as a guide only in those cases where we know that the things in question share the same essential property. So U.R.II, interpreted as (b), seems to serve as a material principle, without many further qualifications. However is interpretation (b) plausible?

Are we able to say that in any judgement we presume that the individuals are like cases until evidence for difference is presented? Clearly, we are not. In fact, very often it is rational to presume difference, not likeness, between the two or more parties involved, and the burden of proof is on anyone who favours sameness of judgement. To see that this

is so, consider the following three cases, in which each of the judgement-makers is drawing up his will:[65]

(1) Smith has two children and decides to give one half of his possessions to each of them.

(2) Jones has two children and decides to give one of them 90% of his possessions and the other 10%.

(3) Brown has one child and decides to give one half of his possessions to this child and the other half to someone he has randomly selected from the names in the telephone directory.

Should we ask Smith how he justifies his judgement, (to divide his estate equally between his children), no doubt he would give as the reason the fact that they are both his children and that he has a parental duty to treat them in the same way. While Smith is not treating all people alike, he is treating all of those involved alike. Obviously this reply will not do when we ask Jones why he divided his wealth disproportionately between his children. In order to satisfy our intuitions on this matter, I think that Jones would need to say something like "One of my children is a lawyer with a large practice and the other has been an invalid since birth and this justifies giving the former 10% and the latter 90% of my estate". In other words, Jones will need to show that there is a significant difference in the circumstances of his children which justifies the difference in his judgement. The responses we might expect from Smith and Jones are different but - assuming that Jones' explanation is along the lines suggested - both can be understood as basing their judgements on the presumption that in the matter of disposing of one's property, one's children should be judged to be like cases. In such cases, adherence to interpretation (b) might seem to be usual and an apparent deviation from this norm would require additional explanation. However when we ask Brown about his judgement, we would want a justification for judging the two cases to be alike. Our presumption would be, I think, that

the people involved are quite different and that they should be judged to be so. It would fall upon Brown to show that though there is a presumption against it, there is some overriding reason for judging these cases to be alike. So it is incorrect to suggest that ordinarily we would always make the presumption in favour of like cases, as required by interpretation (b).

Furthermore, in examples like (1)-(3) above, what in fact we would presume turns on the social norms that apply in the context. In the norms of most Western societies, all children are considered to stand in the same relationship to their father and so preferential treatment towards one of them must be justified; whereas in many non-Western societies, like Xhosa society, an eldest son is believed to stand in a special relationship to his father, (primogeniture), and the norm is to give favourable treatment to the eldest son. An equal distribution of the father's estate among his children would be a deviation from the norm and would need to be justified. So the interpretation (b) reduces to the claim: only in those contexts where one is ignorant of the mores, (or of the special circumstances that apply in the situation), should one presume that the parties involved are similar in the relevant respects and judge accordingly.

The case for interpretation (b) is further weakened since the presumptive claim is either based upon the foolish assumption that all similarities between individuals are to be presumed to be morally relevant, or the even more foolishly question-begging assumption that any morally relevant similarity between individuals is to be presumed morally relevant. But we have been asking all along: what exactly counts as a morally relevant similarity?

One possible answer might be that certain properties are regarded as essential others accidental, within a given moral practice. Where all of the norms and special circumstances are known to the person making the judgement,

some properties of the individuals involved are believed to be essential for them, while they possess others accidentally. Consider again the case of Smith in example (1). Why shouldn't we say that Smith's judgement, in which he disposed of his estate equally between his children, is due to the fact that he is aware that in Western culture, each beneficiary is thought to possess an essential property? The property in question, let us say, is 'children-of-the-same-parent'. Thus Smith judges that he should distribute his estate equally between those who share this essential property, (all and only those cases who are children of Smith). In the matter of disposing of an estate, 'children-of-the-same-parent' is an essential property for judgers in a Western culture. If there is only one essential property to which consideration is given, there appears to be something to recommend in this interpretation of (a).

Such optimism, however, is short-lived. In more complex examples, the account falters. Consider again Jones' case in example (2). Here there appears to be at least two so-called essential properties to be taken into account. For while both individuals satisfy the description 'children-of-the-same-parent', (namely Jones), the invalid child has an additional property 'need-due-to-disability' which the other lacks. On interpretation (a), the problem facing Jones is to decide which property is genuinely essential in the matter of disposing of his possessions. If it is 'children-of-the-same-parent' then his progeny are like cases whereas if it is 'need-due-to-disability' then one of the two does not have the property and so a difference in judgement is justified. The point is, in his judgement whatever Jones chooses he is bound to minimize or neglect the other and, in doing so, he will fail to treat individuals sharing the same essential property in the same way.

In the example above, an essentialist might attempt to defend the material interpretation (a) in one of two ways. On the one hand, he may try to introduce a more complex type of essential property. Instead of there being two properties in example (2), he might try to invoke a new essence by incorporating them into a single property. However it seems odd that he can revise essential properties in this way. It would sap our confidence in what he calls essentialism. Furthermore, it is unclear to me how this new property might be described. On the other hand, the essentialist might attempt to defend interpretation (a) by ruling out one or both of the properties as being genuinely essential. For instance, given the differences in social norms in the matter of the division of a parent's estate, there seems little to commend 'children-of-the-same-parent' as a genuinely essential property. So what is a 'genuinely essential property'? This brings us to the nub of my thesis.

7. Conclusion of Part One

We have arrived at the end of Part One. We have seen that to be rational, any singular moral judgement must be universalizable in the sense that the judger must be willing and be able to accept it for all like cases *in propria persona*. This gave us a substantial number of answers to the question 'Which moral judgements ought anyone to make?' Furthermore, we found that to be genuinely universalizable rather than merely consistent, the reason given in the judgement must be contextually relevant and elucidating. We have noted that both judger-relative and judger-neutral reasons can meet these requirements. Given a formal interpretation, however, the former preference-stating version of U.R. (U.R.I) is trivial since in answer to the 'which moral judgements?' question, it allows contradictory judgements and puts all of the weight on the additional moral assumptions. On the other hand, a material version of

U.R.I runs into all sorts of difficulties. The accounts we considered fail as explications of some of our ordinary moral beliefs and they depend upon contestable value assumptions. However, we have seen that a judger-neutral material interpretation of U.R.II does seem to be possible. We can find a valid, material interpretation of U.R.II, if we can say what counts as a genuinely essential, morally relevant property.

In the chapters ahead, I will try to show what this might be. I will argue that there are certain capacities, abilities, drives of persons, concerning which there is no difference between one individual and another. Furthermore, I hope to show how each of the properties identified is a need for all persons, irrespective of social norms, etc. If this is correct, then, where a reason in a singular judgement is based upon such a property, it is reasonable to claim that there can be no genuine difference between the subject of the judgement and other human beings.

I will argue also that a description of any of the needs in question is, by itself, neutral with respect to moral theories, in the sense that it does not depend upon controversial moral assumptions. However I will show that we can and do refer to such needs as criteria for justifying what ordinarily pass as moral beliefs.

I will go on to show that where a reason, in a singular judgement, describes such a need then this is contextually relevant, elucidating and a <u>prima facie</u> good reason for the accompanying judgement. Then I will make use of our discussion of the presumptive interpretation (b) above. I will argue that by virtue of certain of their underlying needs, it is rational to presume that all human beings are alike for the purposes of moral judgement and that the burden of proof is on anyone who seeks to judge a particular case differently.

So when it is claimed that all human beings have certain needs in common, what are the needs in question? And what moral beliefs are reducible to these needs?

PART TWO

NEEDS

CHAPTER FOUR

NEEDS AND MORAL REASONS

In this chapter I want to show that in certain of their characteristics there is no difference between one person and another. Each characteristic identified, I will argue, is a **need.** I will then show that our ordinary moral prohibitions against unnecessary killing, causing physical suffering and other forms of injury, can be explained and justified in terms of meeting certain needs. I will argue also that where a correct description of a need occurs this is a *prima facie* good reason for a moral judgement.

I will begin, in (1), by distinguishing between two types of need, volitional and non-volitional. I will then, in (2), identify two types of universally applicable non-volitional needs; a need(a), which is the sense in which something is essential to a person if he or she is to function at all, and a need(b), which is the sense in which a person X needs F, if X is to function properly or to flourish. I will show, in (3), how the need 'to survive' is a need(a) for human beings and that (4) this is a rationally compelling explanation of the moral belief that killing another human being is morally wrong. In (5) I will consider, briefly, some of our bodily needs(b). In (6) I will discuss the moral significance of the need(b) to avoid unnecessary suffering and injury. Finally, in (7), I will consider some objections to my type of account made by Phillips and Mounce (1965).

1. Volitional and non-volitional needs

What exactly do we mean when we attribute a need to anyone? The answer we give to this question is by no means obvious or indisputable. There are some things which all human beings need, where what is needed is an indispensable condition to sustain life, or to make it possible; things such as unpolluted air and water, (about which we would all

agree yet which, until recently, many of us have been liable to forget that we need, since we had them). There are some things which we all appear to need, where what is needed concerns the human mind. For instance, we say that a person needs to be self-determining, or needs a sense of his or her own identity; we talk of the need for achievement, for status, for security. Related to this are other items we appear to need which, though they are psychological, have more to do with our functioning as social creatures; we speak of the need for affection, for the esteem of others, for work, etc. Part of what is meant by calling such items needs is that, in some sense, they are regarded as necessary. People can need things without wanting them; they can need things without allowing that they are needed. Thus X may need F, even where X does not want or desire F, or feel the need for F.[66]

Added to this confusion, there are indefinitely many needs we have where what is needed is directly connected with our wants and desires. In this sense, a need F is the only means for obtaining a particular end that X wants. The wanted end might be something which has to be done to comply with a regulation or law; for example, if you want to park your car in the university car park, you need a permit; if you are going abroad, you need a passport. On the other hand, the need might be something which is the only means to satisfy one of the numerous other different wants each individual has. If I want to take a photograph then I need a camera; if I want to do some carpentry, I need tools; to climb a mountain, I need ropes, spikes, and so on. Considerations such as these begin to show, I hope, that it is by no means clear what needs are and how one sets about assessing their importance, if any, to morality.

Let us begin by noticing a few of the logical characteristics of the notion of 'need' above. Firstly, in the clearest sorts of cases, in sentences containing the verb 'to need', there has to be a subject X, which has the need

ascribed to it, there has to be an object or function F that is a need, and there has to be an end R, or a purpose R, for which F is needed. Regarded in this way, a need is an instrument or condition that is necessary to achieve a particular end. In other words 'X needs F **in order to** R'. Secondly, as we noted, the relationship expressed by 'need' is one of necessity. (Not all relationships of necessity, however can be expressed in terms of a need.[67]) It is the necessity of the specific means required for a specific end. F is something you must have if you are going to do a job, solve a problem, achieve a particular result, etc. Thirdly, for the claim that 'F is a need' to be fully intelligible, the end (objective, purpose) R, for which F is needed must be explicit. The ordinary way of ascertaining whether or not something F is a need is to ask: "What do you need F for?". If I say "I need F in order to achieve R", further questions can arise concerning the justification of R, i.e. "What do you need to achieve R for?". This is to ask for a more general objective to justify the one initially given. We could go on, of course, seeking further justification of other goals and purposes which give direction and meaning to more specific ends.

Are we able to say that every reference to a need is a reference to something which is a necessary means for achieving a particular end? Are we able to say, with H.Frankfurt (1984:3) and others,[68]

> ...nothing is needed except in virtue of being an indispensable condition for the attainment of a certain end.

It is not clear that all needs are like this. We say that a human being needs to breathe, a diabetic needs insulin, an elderly person needs warmth, a child needs affection; we speak also of people in the Horn of Africa 'being in need'; socialists talk of giving 'to each according to his need',[69] and so on. As D.Wiggins and S.Dermen (1987:64) point out, examples such as the above appear to require another sense

of need, which they call 'categorical' or 'absolute'. A categorical need, we are told, is the sense

> ...by which the particular end or purpose...is already fixed...

To understand a need statement in which the particular end or purpose is already fixed, in terms of a means to an end, is to misconstrue it.

One reason for this might be that we need some things permanently. They cannot be temporarily waived or given up. To see this, compare the two statements 'X needs a camera in order to take a photograph' and 'X needs to breathe in order to survive'. In the former case, what is needed is simply a means to an end. Once the end is achieved, viz. the photograph is taken, X can dispense with the means, viz. the camera is no longer needed. In the latter case, however, breathing is not something that X requires and then he can do without; rather it is a permanent condition needed for the subject's survival. Similarly, (to adapt an example of a categorical need statement that Wiggins and Dermen (ibid) give us), a patient in a state of nervous collapse needs rest and quiet. Once this has been achieved, rest and quiet are not then conditions that can be dispensed with, rather they appear to be required on a continuing basis to meet the end indicated, the patient's state of well-being.

We can see here a second reason for thinking that the means-end analysis of certain need statements might be thought to distort their sense. So-called categorical needs are not merely a means to an end but are also part of the end itself. What appears to be the means to an end, breathing in order to survive, is also part and parcel of what we mean by surviving as a human being. Similarly, rest and quiet appear to be needed for the patient's well-being yet they are part of what constitutes his well-being, which is the end we are told they are needed to meet. To put the point differently; by supplying the end in such cases, one is filling out the whole of which the thing needed is one part.

There is a third reason why supplying the end of a categorical need statement might be thought to be odd. Following the means-end strategy above, someone might ask: "Why does the patient in a state of nervous collapse need a private room?". Putting the need statement into a framework of broader generality we might respond "He needs a private room in order to have complete rest and quiet". The interlocutor might then ask "What end do they (rest and quiet) serve?". To say that the end in question is his, the patient's, good health and well-being, is to say something slightly peculiar. It is odd, partly due to the fact that the patient's well-being is far more obvious and pervasive an end than some of the specific ends mentioned earlier. The end in question is so obvious, it might seem pointless to state it. Thus we might argue that the means-ends analysis distorts the sense of certain need statements.[70]

However, it seems to me that none of the considerations above get us to the heart of the claim that there are certain needs in which the particular end or purpose is already fixed. An adequate account of this, I think, requires also that something be said about the non-volitional nature of the needs in question. Although many of the things we have mentioned so far, cameras, ropes, spikes, are needed in order to satisfy ends the agent himself wants, a feature of so-called categorical needs is that they are the necessary means for attaining objectives that are unconnected with the agent's wants. Let me repeat the difference here: it is between those things needed in order to satisfy the agent's own wants, (desires, interests, preferences) and those things which are the necessary means for attaining ends which an agent has, regardless of what he wants. A distinction which captures this difference is between **volitional** and **non-volitional** needs.[71]

If I want to take a photograph then my want gives rise to certain instrumental needs; e.g. a camera with a film. I cannot satisfy my want without them. Subsequently, if I

want to hang the framed photograph on the wall, to satisfy this different want of mine, I need a hammer and a nail. I need a hammer, spikes, ropes etc., if I desire to climb a mountain; a statement of my desire to climb a mountain serves as an explanation or justification of the relevant needs. Let us call these 'volitional needs'.

Since they concern a volitional end, claims of this sort appear to be contestable. Notice, however, that it is not the description of the need that is contestable. If in fact it is the effective means to securing the end in view, then the need description is true. If not, it is false. The point is, whether or not we think that this need ought to be satisfied will depend on our evaluation of the end at which the need is directed. In this sense, (regarded as part of a volitional claim), it might not be desirable to satisfy a person's particular need. If my youngest daughter says that she needs a hammer, ropes, etc. because she wants to climb a mountain, I might reasonably question whether this is a need that should be satisfied. A person who wants to commit a crime needs the opportunity and means to do so but, presumably, we should not feel inclined to satisfy these needs.

Due to the wide differences in our wants (etc.), volitional needs vary enormously from one person to another. One person needs a hammer and a hook to hang a framed photograph on the wall, another cannot stand photographs on walls; one person needs ropes in order to climb mountains, for another the idea of climbing mountains for fun, borders on insanity. One person needs a new suit, another needs a vacation, and so on. The numerous differences in our volitional needs overshadow our recognition of their being common, non-volitional needs.

Unlike volitional needs, some of the things that we need do not necessarily imply anything about the owner's wanting, preferring or desiring a further end. These are things that we need non-volitionally. They are not ascertained by

asking the agent about the ends for which he needs the thing in question. When he non-volitionally needs something his testimony carries no more weight than the opinion of anyone else equally observant. In this sense, he needs to be able breathe irrespective of his desire to do so, whereas if he has ceased breathing (while his heart is still beating) he non-volitionally needs artificial respiration; if his heart rhythm is irregular he needs an artificial pacemaker; if he is diabetic he needs insulin, and so on. Similarly, we may say that the patient in a state of nervous collapse non-volitionally needs a private room for complete rest and quiet, irrespective of the poor soul's current wish to be in the general ward; the diabetic needs insulin, even if he says he does not want it. And he continues to need insulin, even if he never wants it again. What we are calling non-volitional needs, in other words, are those things which are the necessary means for attaining objectives that are not necessarily connected with a person's own wants.

For reasons such as the above, (viz. the non-volitional nature of some of our needs, the oddity of asking why they are needed, etc.), while the means-end form of analysis is appropriate to volitional needs, it may be thought to distort the sense of certain need statements. Nonetheless a means-end account of a non-volitional need is possible and can be illuminating. By putting it into a framework of broader generality, in which the ends are completely specified, we can make the non-volitional need statement fully intelligible. Thus to put 'X needs artificial respiration' into the framework of broader generality would require that we then say why X needs artificial respiration, i.e. in order to put oxygen into his blood, which he needs in order to enable the heart muscle and respiratory area of his brain to function, etc..., which ultimately he needs in order to survive. (Similarly, in a framework of broader generality, an invalid needs an artificial pacemaker to

establish a regular heartbeat, and so on, the diabetic needs insulin to metabolise glucose in his body, and so forth.)

Non-volitional needs, then, are the necessary means for attaining objectives that are not necessarily connected with a person's own wants. What is needed in such cases connects ultimately to ends that are not required and then dispensed with but, rather, are a permanent condition which the subject has. The complete description of what is needed is part of the description of the end itself. And, finally, we would not normally ask about - let alone evaluate - the ultimate end served by such needs. The end or purpose, as Wiggins and Dermen say, is already fixed.

It might seem tempting to give a fuller account of non-volitional need statements, in terms of what some philosophers call 'true wants'.[72] However needs of both the volitional and non-volitional kind, differ top and bottom from wants of any sort. The difference can be seen in any number of ways. I will mention a few. Firstly, a need-reason expresses a relationship of necessity. It is the necessity of an item as the only means to an end. Whether X needs F or not depends solely on whether or not F-ing is the only way to meet the end state. In contrast, there is no necessity to one's particular wants, etc. Secondly, one can need something, we said, without being aware that one needs it. The man in a state of nervous collapse needs a private room though he might not believe he needs it. It could be the case that he will never want what he needs but, nevertheless, we continue to speak of the person having the need in question. This would be an odd claim to make about his wants. If he says he wants or prefers something his testimony is usually evidence for this. If Smith says he wants spinach rather than kale, his saying so is sufficient evidence for the stated preference. When he non-volitionally needs something, on the other hand, his additional testimony so only begs the question. As we noted, his opinion carries no more force than the views of

anyone else. Thirdly, if I am correct, to talk of a need of either sort implies some end or objective (albeit that the need in question is part of the end), whereas to talk of wants or preferences does not. I can say "I want spinach and not kale" and if somebody asks me "Why?", we noted that I can intelligibly reply "I don't know why. I just happen to". On the other hand, to say "I need spinach" necessarily implies an objective, e.g. I lack such-and-such and spinach is the only food that will give me it. Most importantly, in the clearest cases, wanting refers to a subjective state, whereas a need is ascribed objectively to the subject. This can be seen most clearly in the case of non-volitional needs. His verbal reports on his subjective states viz. "I want F", are irrelevant to the question of whether or not the subject non-volitionally needs F. And although volitional needs depend on the wants of agents for the choice of ends, given the end that is wanted, a volitional need is a necessary means for achieving it.[73] Needs are distinct, then, from wants (desires, preferences), although they often converge on the same object. A need will often find its characteristic expression in the language of wants.[74]

I have to make one further distinction. I will show shortly that included among the class of non-volitional needs are certain capacities, abilities, drives, which are universal. There are needs, this is to say, which **all** people must have throughout their lives, or which must occur at certain stages in every person's life. The general point here is that we have certain of our needs in common. For example, we need to breathe, we need food, we need shelter. The non-volitional nature of such needs appears to be incontestable. D.Braybrooke calls these 'course-of-life needs'. Such needs, he writes (1987:32)

> ...do not depend on preferences: People have (such needs) regardless of what they wish, prefer, want otherwise, or choose.

Every human being needs to breathe, to eat, to rest, in order to survive, irrespective of their particular desire for it. Such needs are not culturally or historically variable. We would say that people in the Horn of Africa need food, shelter, etc., regardless of the fact that they urgently want it. They are necessary conditions, moreover, for any or all of the other particular ends or purposes which a person might pursue. Let us look at these claims in more detail.

2. Two kinds of universal, non-volitional needs

Types of universal non-volitional needs can be distinguished. For our purposes, it will suffice to recognise two of them. A universal non-volitional need, which we will call a **need(a)**, is the sense in which an individual X needs something F in order to **function**, or to continue to function, as an object of a certain kind. To put the point differently, without F, X is precluded from being a thing of that kind. The sort of things I am referring to by needs(a), in other words, are the sort of things which are universally true of persons for them to function at all. They fall broadly into three groups; needs of the body, of the mind, and social needs.

The clearest cases of needs(a) are bodily needs. To function at all, for example, a human being needs(a) to be physically alive. He has a brain, a spinal cord, a heart, lungs and other vital organs, which need to work. There are other bodily needs(a), also, if human beings are to continue to live, such as the need to eat, to drink, to eliminate, to breathe, to exercise, to rest periodically, and the need for an environment within which life can be sustained. Some of our bodily needs are, of course, more constant than others. After you have taken a breath, you need to exhale and take another whereas after you have eaten well or slept well, you do not need to eat or sleep again for a while. All such needs are universal. In so far as we can tell, in every

culture that ever has been and ever will be, people have needed and will need to feed, to drink, to eliminate; if they get too hot or too cold, they will die, and so on. There are other things that human beings need(a) to preserve their bodies intact, beyond what is covered by the preceding items; for instance, we all need to avoid serious injury to our vital organs. In this sense, also, we all need(a) protein, we all need(a) to metabolise the glucose in our bodies, etc.

I think it is fair to say of the needs listed above, that no one can sensibly deny them. They are biological conditions that need to be met for human beings to function at all. Although it is not at all obvious what, if anything, the relationship is between them and our ordinary moral beliefs or the moral judgements that we make.

The non-volitional needs(a) that a person has do not stop here. There are, also, cognitive and conative capacities, affective and emotional dispositions that all people need(a), if they are to function - or to continue to function - as persons. For instance, we are rational creatures; I will argue in Chapter Five that a person needs(a), intermittently, to think. We need(a) some level of self-determination, at least on some occasions we need to choose rationally and to act freely. We have feelings and emotional states which also appear to be psychological needs(a); for instance, the desire for some pleasurable experiences, the drive to promote self-interest, etc. I will argue that it is impossible to think of a person, however much this concept is subject to social modification, as being other than something which needs(a) self-activity of this sort.

Finally, there are a range of needs(a) which, though they are connected with our psychology, have more to do with a person's functioning as a social being. I hope to show, for example, that any person, at some time in their lives, needs(a) personal relationships. This means, at the least,

they need some level of recognition and social acceptance, some degree of sympathy and respect from other persons; though we must allow, of course, for a certain elasticity in how these needs apply in different cultures. Like bodily needs, however, we cannot pretend that the psychological items here are merely conventional. We should notice also that the psychological needs identified are not morally good in any usual sense of this term. They are simply things that a person needs in order to function.

Before discussing the second type of non-volitional need, I want to mention three of the many possible objections to the claims above. I have claimed that any non-volitional need can be profitably analyzed as a means to a certain end and that one need(a) that human beings have, is the need 'to survive', (to be alive and to remain alive). It has been queried: can one sensibly say, using the language of needs, that a person needs to survive? How are we to say that this is instrumental to achieving other ends? Surely, there is no more fundamental end that a person could invoke? As D.Braybrooke (1987:31) writes:

> (A person) does not have to explain or justify aiming to live...It is not the only end that he might be expected to have as a moral agent... However, there is no more fundamental end...

We can say, for instance, that a human being needs food, meaning by this that it is an essential fact about any human being that he or she needs a certain amount of food if they are to survive. Similarly, we may explain the need to avoid serious injury in terms of survival. If the human body deteriorates, or if it is so severely damaged that its continued functioning is impossible, then survival is impossible. The point is, being alive and remaining alive seems to be the end for these other needs. For this reason, it is said, we should not speak of 'the need to survive' for survival is always an uncontroversial, fundamental end.

I hope to show the contrary, i.e. that questions do not necessarily come to a halt when the end or objective is that

of remaining alive. Survival can be understood as a need(a) for some further ends. Once articulated, moreover, the relevant ends throw light on the connection between the need in question and some of our ordinary moral beliefs.

A second objection runs like this: if it is conceded that a person has certain needs(a) then it is very difficult to see that there can be a relationship between them and any moral judgements that we make. If ex hypothesi everyone needs to F in order to function, there seems to be no point in saying to someone that he ought to F or that he ought not to F. This is the sense of C.Battersby (1980:272) objection (to M.Midgley (1979)) when she writes:

> If all men were universally and necessarily aggressive (viz. they need to be aggressive in order to function) then it would be pointless to assert 'You ought to be non-aggressive'...

It appears that we should conclude from this that if needs are universal and necessary features of persons, there seems no point in basing moral prescriptions upon them.

My general response here will be to show that even if F (aggression or whatever) is universal and necessary for persons we can still ask if it ought to be. We can sensibly ask: should morally the need(a) to be aggressive be satisfied? The point is, one need can yield to another. A person can choose, for instance, to cease to function as a human being - (i.e. he can choose to die) - for the sake of what he regards to be a more important end. Similarly, one person's life can be terminated by another to meet ends which are deemed to be of greater value. In either case, as we shall see, we have no difficulty in understanding the relationship between the need-reason and the moral judgement.

A third objection we should note, in passing, is the denial that psychological drives or capacities, like self-determination or for personal relationships, are proper needs(a). For instance, H.McCloskey (1976:4) claims:

> It is important, at the conceptual level at least to distinguish natural drives, desires, wants,

expectations...from needs.

There are two reasons he gives for this. Firstly, because it is an empirical matter whether or not psychological items of this sort relate to needs; for example, whether or not a lack of self-determination leads to the destruction of the self. Here McCloskey seems to be saying that the concept of needs has a correct use that must be restricted to needs of the shared, physical sort. Whereas talk of psychological needs, because they refer not to the requisites of natural growth or survival but to an individual functioning as a person, are forfeit as needs.[75]

In contrast, my argument will run something like this. Our minds are not tabula rasa, passively reacting to stimuli. There is such a thing as 'human nature'. It includes an indefinite number of shared, non-volitional, psychological capacities, dispositions, drives, etc. While they are admittedly different from our bodily needs and to a certain extent culturally or individually determined, at rock-bottom psychological items of this sort are universal, non-volitional needs for persons.

I will point to such diverse fields as sociobiology, experimental psychology, psycho-analytic theory, to show something of the empirical support for these claims.[76] However my needs thesis is not established merely by empirical appeals. More importantly, it is supported also by arguments of an a priori sort. For instance, no matter how the concept is subject to social modification, I will argue that we could not identify persons as other than possessing the psychological capacities, dispositions, drives, to be discussed. I will show also that such needs are, so to speak, philosophically located, in the sense that without presupposing them we cannot satisfactorily explain certain moral practices. Further, I will show that descriptions of certain psychological needs(a) (viz. need-reasons) are judger-neutral reasons in the universalized judgements in which they occur.

McCloskey's other reason for wanting to keep (bodily) needs and psychological states distinct, is that some of the latter could be destructive and harmful and, unlike bodily needs, do not deserve to be met. He writes (ibid)

> This is most evidently true of the drives which occur in particular individuals. If the drive becomes strong enough...we may wish to describe it as a compulsion because we see it as something to be checked and even eliminated, if this is possible, rather than as something to be appeased as relating to a need.

It seems then that from a normative viewpoint, psychological drives can be troublesome. To refer to them as needs is inviting trouble and it is controversial, relative to talk about physical needs.

I want to query this way of dealing with destructive and harmful drives on two grounds. Firstly, even though we have adopted it as a convenient distinction, there is not a hard and fast divide between the two sets of needs. There is a psychological dimension to most bodily needs and vice versa. For instance, many biological disorders (e.g. anorexia nervosa) appear to result from an underlying psychological need. Similarly our psychological needs are dependent upon numerous biological conditions being satisfied.

Secondly, and more importantly, McCloskey denies that any psychological state is a need, due to destructive psychological drives, since the latter are unwelcome from a moral point of view. Now by denying destructive and harmful drives we might purify our needs theory but, at this stage in our discussion, this would be a very ad hoc stipulation. Furthermore, domination, aggression, hate, and other embarrassments to moral dignity are, as D.Braybrooke (1987:265) suggests:

> ...inexorable enough to look like needs, and not gratifying them has the same consequence in deranged functioning...

In addition, there is plenty of empirical and theoretical support for the claim that people need to dominate, to be aggressive, to hate one another, etc. (see pp.318-320

ahead). Lastly if, like McCloskey, we exclude psychological states entirely as needs, then as well as being arbitrary, the notion of a human need loses much of its force as an explanation of human conduct.

Rather than deny that they are needs, I will show that so-called destructive needs can be eliminated from morally correct judgements, by our universalizability rule U.R.II. Not every description of a non-volitional human need can serve as a universalizable need-reason. To see this, however, we have considerably more spadework yet to do. So let us turn now to the second type of non-volitional need we mentioned earlier.

The alternative kind of non-volitional need, which we will call a **need(b)**, is the sense in which a thing X needs F for it to function properly or to flourish. It implies also a standard, or norm, by which X's flourishing can be assessed. As it is universal and non-volitional, a need(b) will be something which any person needs if they are to flourish; and the complete description of what is needed will be part of the explanation of what it is for a person to flourish. So, for example, to say that a person needs(b) to be physically fit, is to imply that he has this need to function properly in everyday life; and it implies, also, a standard by which the idea of a person flourishing can be understood. Alternatively, and more to the point, to say that a person needs(b) to be physically fit implies a standard by which his lack of fitness can be assessed.

By saying that something is a need(b), we can refer to a need that has been met all along and that is going on being satisfied. However there is also, as D.Braybrooke (op cit: 29) puts the matter;

> ...an implication about deficiency...The implication is... that should the need cease to be met, a deficiency of some importance would appear...

Something F is a need(b) if a human being does not function properly - or if they are harmed or suffer - without F.

When we refer to (non-volitional) needs, in everyday usage, it is usually in this latter sense. It serves as a diagnostic term implying that something is wrong because a certain condition F is lacking; this a state of affairs moreover, which is damaging to the individual who lacks F. When we say, for instance, 'Children need security', 'A person needs a goal in life', 'The patient in a state of nervous exhaustion needs a private room', we usually mean it would be injurious or detrimental not to meet such needs, or that he would seriously harmed if they are not met.

In recent times, many philosophers have analyzed human needs in this way.[77] A person is said to have a need for something where it is assumed that he will be seriously harmed or will ail if he does not have it. The various needs discussed are universal and non-volitional. All persons have them and an individual does not have to want or be aware of his needs to have them. Indeed, he may disagree with someone who says he will be harmed without it. Fulfilling his need, on the other hand, is said to overcome the harm or to remedy the ailing condition. Similarly, what we are calling 'needs(b)' also refers to those things which are necessary for human beings if they are to avoid serious harm; not having it, or enough of it, necessarily results in a seriously detrimental or ailing condition. However, we should not overlook the other side of this coin. Something is a need(b), when having it, or having enough of it, is an indispensable condition for a state of flourishing.

As before, it will be helpful to mention here just three of the many objections to the needs(b) thesis. I shall postpone discussion of other objections to needs(a) and (b) until the end of Part Two, after my main argument has been completed.

Many philosophers argue that the idea of flourishing and its correlative, the idea of harm or suffering, are essentially contestable. A conception of human flourishing, the argument runs, is not an invariable datum but changes in

response to different social and historical settings.[78] Wiggins and Dermen (ibid:63) put the matter thus:

> ...each age and each culture has to make what it can of (harm and flourishing); and that even within a culture at a time, these ideas are of their nature essentially contestable.

No doubt many of our non-volitional needs serve ends like this. In this sense, people are said to need a bed to sleep on, spectacles if they are short-sighted, leisure facilities if they are to enjoy a decent standard of living in a Western society. Looked at in this way, what people non-volitionally need(b) is historically and culturally relative. It is a good deal more than people enjoyed in such societies a century ago and we are not very shocked to find that such needs are not being met today. It comes as no surprise that a child has not got a bed to sleep on, or spectacles, to say nothing of leisure facilities, in rural Transkei. Our conceptions of needs of this sort - and judgements based upon them - change as social practices and other social conditions change, in the same society and from one society to another.

However there are certain states of flourishing or harm that do not depend upon the vicissitudes of age or culture; there are certain things, like enough food, adequate rest and shelter, that all human beings need(b) independently of our other views of harm and flourishing.

My opponent might push the point. Even if, as I claim, it is possible to identify bodily needs(b) that can be shown to be historically unchanging and culturally invariant, surely, this cannot apply to psychological needs(b), which involve concepts like autonomy, security, love and so forth. As K.Soper (1981:11-12) writes:

> When the child-psychologist tells us that experiment or observation shows that the young child needs... 'security' ... we accept this as a fact only to the extent that we concur with the definition and evaluation of the invoked 'security'...And these judgements are historical and relative.

There is something odd about this claim.[79] Firstly, in a normal context, if as a result of a series of experiments and other observations, a skilled child-psychologist asserts that "All young children need security" (rather than him saying "Some (or most) children need security" or "Nowadays, all children need security") we are entitled to assume that he believes that all children need this. Not just children in Glasgow or at this point in the twentieth century, but all children everywhere and at all times. While his assertion might well be contested, it would not normally be understood to be relative. (We will return to the point that such need(b) claims are contestable shortly.)

Secondly, I cannot see that the child-psychologist or Ms.Soper can think that the value judgement they place on this need is culturally relative or historically changing. If that were so, her position would apparently countenance such oddities as the child-psychologist saying "All children need security - but in saying this don't take me to be saying that children in Transkei ought to have it". Or, even more strangely, "Children need security but, in earlier times, ought not to have had it". Though we might make sense of this if he were to say "Though children need security, to get on in this world, to become self-reliant individuals, children ought to have this need frustrated". We can understand the claim, this is to say, that one need ought to be overridden by another, even though we may believe that what he has said is false. Apart from this qualification, however, if the child-psychologist argues that "A child needs security" we are entitled to assume that he believes that, ceteris paribus, all children ought to have this need met. More generally, if it is true that human beings have a certain need(b) we normally conclude that, ceteris paribus, what is needed ought to be satisfied.

The second objection leads on from the point above. To say that something is a human need is a factual claim. It does not imply anything about what ought to be the case.

Even if, for the sake of argument, it is granted that children need security, or that certain other needs(a) and (b) exist, the question of whether or not needs ought to be satisfied is, surely, a separate question. P.Taylor (1959: 111) expresses the difficulty thus:

> ...even if it can be empirically shown that a man has certain basic needs...it is neither self-contradictory nor logically odd to refrain from recommending that such needs be satisfied.

How can moral judgements, then, be said to result from factual claims about what human beings need?

In the analysis which follows I will argue that the relation between need-reasons and the moral judgements based upon them is not one of logical entailment, yet neither is it merely a contingent connection, in the sense that a need-reason merely describes a conventional moral practice or that it is in some other way contestable. I will try to show, rather, that in a large and important number of cases, to establish that X needs(a) F, or needs(b) F, is also to establish not merely a contextually relevant and elucidating reason but a _prima facie_ good reason for judging 'X morally ought/ought not to have F', or 'F morally should/should not be done to X'. This claim is important and is worth stressing.

I hope to show that need-reasons are _prima facie_ good reasons for moral judgements. Along similar lines K.Nielsen (1963:182) writes:

> If someone needs something there is a standing presumption that he morally to have it.

So what is the force of the qualifications 'standing presumption' or '_prima facie_ good reason'? This is to say, what is the relation between the factual statement 'A person X has needs(a) and (b)' and the value judgement 'X morally ought to do/to have F'?

We can see what I think this relationship is by considering first some cases where it is not difficult to get from 'is' to 'ought'. Consider the following example: If you want to avoid catching a cold this winter you need to

take vitamin C. Why not say that having specified an end that you want to attain, the steps you **ought** to take are simply those that are needed to meet the end in question? In other words: if you want to avoid catching a cold this winter then you ought to take vitamin C. No one is puzzled by the relationship between 'is' and 'ought' in cases like this; the ought sentence indicates those things which are needed as the means to achieve the desired end.

One point that prevents our adoption of this proposal is that, in the example above, the end is volitional. If for some strange reason you want to catch a cold this winter it is not true that you ought to dose yourself with vitamin C. However we have said that needs(a) and (b) are not dependent upon what we want. To say that needs(a) and (b) statements are not conditional on volitional ends, however, is not to say that they are not conditional at all.

The proposal is unsatisfactory for another reason. The conditional 'If you are to function (or flourish) as a person you need F' is a combination of two factual propositions; a description of a state in which a person functions (or flourishes) and a certain need that, when met, results in this state. On the other hand, to express a moral imperative as the consequent of a conditional is not to state a fact. The 'ought' in 'You ought to do F' refers **not** to instrumental efficacy but to agency. It relates not to a fact that something is needed to meet an objective, but to the doing of F.[80] The problem is to give an analysis of the morally prescriptive import of 'ought'.

The hypothesis that we will explore in the pages ahead is that just as the non-volitional end for a person to function or flourish creates the conditions for what is needed(a) and (b) so, in turn, needs(a) and needs(b) are antecedent ends for moral ought imperatives. This is to say, some of our needs create conditional moral oughts. Thus X needs to do F if he is to function. And because X needs(a) F, he morally ought to F. Or X needs to avoid F if he is to

flourish and because he needs(b) to avoid F, he morally ought not to F.

There are two further points to notice here. Firstly, as we noted earlier, the non-volitional end (viz. to function or to flourish) is usually thought to be so obvious that it is left unstated. Secondly, the need(a) or (b) is typically taken to be uncontroversial so it is usually not an 'if' but 'because' or 'since' by which the conditionality is expressed. Thus we say, for instance, "You ought to eat because/(if) you need food" or "Since/(if) children need security they ought to get it". Let me make the points here in another way. In the pages ahead I want to show that many of our moral oughts are conditional on needs(a) and (b). We might express this conditionality in the following way; e.g. "You morally ought not do F to X because he needs to survive" and we leave unstated that he needs to survive if he is to function as a person. Or, perhaps more typically, we would say "I ought to spend more time with my children because they need this kind of security", and "if they lack security they will ail" is left unsaid.

I have one further general point to make concerning the conditions under which such conditional statements can be held to be true or false. A need-reason does not entail a moral judgement yet neither is the relation between the two merely contingent. It is, rather, a <u>prima facie</u> good reason in a singular moral judgement. What we will find is that where the relationship between the need-reason and the ought-judgement is denied and then we try to universalize, quite fundamental concepts like that of 'a person' or of 'a human society' are thrown into doubt. We could not understand what a person or a society would be like in these circumstances. It is in this sense rationally odd, albeit not logically odd, for someone to recognise a need-reason yet not to accept a moral judgement based upon it.

One advantage that follows from the outline above should be mentioned here, namely that it provides a criterion for

a reason counting as a judger-neutral reason in a moral judgement. By 'a judger-neutral reason for a judgement' we will mean that the denial of the universalized conditional moral judgement in which it occurs is inconsistent with a defensible view of persons, or a defensible concept of a human society. And it is here that I want to say the onus of proof is on someone who wants to argue otherwise. We will discuss all of this in more detail in the pages ahead. Let us consider now the third objection to needs(b) that I mentioned earlier.

It might be pointed out that even if my response above to Wiggins and Dermen is allowed (viz. that there are, as matter of fact, universal, non-volitional needs(b) that can be shown to be historically unchanging and culturally invariant), the needs identified concern what we must have to **flourish** and the concept is not, therefore, value-free. To say the least, we seem to presuppose that it is valuable to flourish as a person. K.Soper (op cit:11) makes this point when she writes:

> ...in all attempts to argue for or against such conditions as needs...we are already involved in (value) judgements of what constitutes...the good for human beings.

A decision about what a human being needs(b) involves a value decision about what conduces to human harm or flourishing.

Before I respond to the above I want to stress that we refer to a state or condition as 'flourishing' not because it is the object of our needs(b); rather, some state or condition is regarded as being one in which a person flourishes and it is, thereby, the object of certain needs. Thus if X needs(b) F in order to flourish, it is not the need(b) which, to use C.Taylor's (1969:40) phrase, 'secretes the value' but, rather, the concept of human flourishing.

How are we to meet the important challenge that judgements about what constitutes flourishing (or harm) presuppose that it is valuable to flourish (or not to be

harmed) and it is always logically possible to contest such normative claims, viz. they are 'essentially contestable'. If views of flourishing can always be contested, moreover, how can needs(b) claims be made without reference to the views of flourishing of the person who makes the judgement, or the culture or time at which the judgement is made? Let me make the point another way. Need(b) reasons, as I have described them, are supposed to be non-contentious. They are said to describe universally applicable, non-volitional conditions which are necessary for any person to flourish or, without which, any person will be harmed. But how can this be? If views of flourishing can always be contested, it will always be possible to disagree about the claim that such-and-such is a need(b).

I will answer the challenge in one of four ways. Firstly, I will point out that there are empirical tests by which we can decide whether or not a person flourishes (or ails). Actual disputes about what constitutes flourishing or harm are, therefore, capable of being resolved. This does not mean that such a dispute can be resolved easily, for the empirical criteria, particularly psychological criteria, are usually complex. However, if I am correct, the conditions actually needed for flourishing or without which human beings are harmed, can be settled by reference to matters of fact, albeit of a somewhat intricate nature. Secondly, I will try to show that some of the uncontroversial beliefs that we find in ordinary moral discourse can be explicated by appeals to descriptions of the very sort of needs we have been discussing. In other words, an explanation for a given moral belief is that acting upon it meets a human need(b). Now if a given need(b) is universal, one would expect to find the associated moral belief to be pervasive in all moral codes. This I will argue is true of some of the beliefs in question; or, rather, I will show that it is difficult to conceive of what a person has in mind who denies their universality. If I am correct, this

is additional evidence for the claim that certain states are universally regarded as states of flourishing (or harm) and, furthermore, that they are not actually controversial.

Thirdly, I will try to show that, like needs(a), universalized judgements based upon reasons that describe needs(b) are judger-neutral; their denial is inconsistent with a defensible view of persons, or a defensible concept of a human society.

If all of the above fails, my fourth strategy will be to put the onus of proof on anyone who actually contests one or more of the states of flourishing or harm to be discussed. Some challenges which apply to my account are to be found in the recent literature. I hope to show that a more plausible interpretation of the putative counter-examples can be given. I hope to show, in other words, that the idea of flourishing to be discussed is not a value assumption that can be successfully contested. If I am correct, we may assume that while the concepts of flourishing and harm are normative and it is always logically possible to contest a normative claim, this is not a fatal objection to my proposals. Until an actual counter-example can be found, the fear - that though it is not clear how, counter-examples could with sufficient ingenuity be constructed - is an idle one.

I want to conclude this part of the discussion by emphasizing three points. Firstly I want to underscore the difference between needs(a) and needs(b). The distinction I am making I am tempted to attribute to Aristotle (Metaphysics V 1015a20) who, when amplifying his definition of 'necessary', writes:

> We call 'necessary' (a) that without which, as a condition, a thing cannot live; e.g. breathing and food are necessary for an animal, for it is incapable of existing without these; (b) the conditions without which good cannot come to be, or without which we cannot get rid or be freed of evil, e.g. drinking the medicine is necessary in order that we be cured of disease,...

Aristotle recognizes here that the conditions necessary for an animal to exist and those necessary for it to flourish or to ail are different. Furthermore he seems to regard the necessities in question as universal and non-volitional. However his examples appear too restrictive (to needs of the bodily/physical sort) to exhaust what I have called needs(a) and (b). An adequate account of needs cannot stop short at the physical, for needs(a) and (b) can occur also at the psychological (intellectual, emotional, social) level.

The distinction, however, is not as clear-cut as my discussion of it might imply. I do **not** want to argue, for instance, that if a certain state, capacity, drive, is a need(a) then it could not be regarded also as a need(b). A human being, we noted, needs(a) a certain amount and kind of food if he is to survive. At the same time he needs(b) a different amount and, perhaps, a different kind of food if he is to flourish. In many other cases a need description can be of something that we must have if we are to function at all as a person, as well of something that we must have to flourish or without which we ail; (see, for example, the need(a) and (b) for self-determination, pp.206-218 ahead).

A second point that requires emphasis concerns how I intend to support my claim that all persons have certain needs(a) and (b) in common. First of all, my argument will make use of empirical criteria. Given current scientific knowledge, the kind of characteristics identified are, as a matter of fact, needs for anything to function as a human being or a person; and under actual world conditions as we know them, there is a stable and identifiable set of conditions any person needs to flourish. These empirical points will be supported by considerations of an <u>a priori</u> sort. I will argue, for instance, that if the characteristics we are calling needs(a) are not found to be present in an individual, that individual would not be a person.[81] (Or, more cautiously, if in the future such conditions are found to be unnecessary to the functioning of

a person - or are found to be significantly modified - we should have altered our concept of persons.) Further, I hope to show that our ordinary moral beliefs can be accounted for in terms of meeting such needs; that there are better interpretations of the so-called counter-examples to them; and that it is difficult to understand what someone who challenges need claims has in mind. Lastly, as we shall see, the strongest logical argument in support of the claim that every person has certain needs(a) and (b) is the judger-neutrality of the universalized moral judgements in which they occur.

This brings us to the final point I want to emphasize; that is, the connection between claims concerning what a person needs and our desideratum of judger-neutral reasons in moral judgements? My argument will be twofold. Firstly, I will show that many of our uncontroversial moral beliefs can be explicated in terms of need-reasons. (We will see this mainly in Chapter Six.) Secondly, when a person makes a moral judgement, while this requires that the judger is autonomous, where the reason given is a need-reason then this is a prima facie good reason for a correct moral judgement. The point then to remember is that if it is a prima facie good reason for a particular judgement, then it could be a judger-neutral reason for a correct universalized judgement to the effect that all such courses of action are right or wrong. (We will consider this at length in Chapter Seven.)

We are now ready to discuss in some detail the claims above. When I maintain that all human beings have certain needs(a) and (b) in common, what exactly are the needs in question and what moral beliefs are reducible to them?

3. The need to survive

Let me begin by saying a few words about what I mean by 'survival'. Firstly, it refers to our on-going spontaneous organic functions. Human beings are, among other things,

organisms, self-maintaining systems. Even in the absence of conscious states, our blood and lymph circulate, proteins are synthesised, ionic levels are kept in balance, the involuntary bodily mechanisms of defence continue, along with hundreds of other biochemical, somatic processes. Given a particular context of stress, for instance, to continue to survive the body will spontaneously react in certain ways. The attempt of someone trying to kill himself or another by poisoning, confirms this remark. The would-be poisoner must defeat the victim's involuntary bodily mechanism of defence, for example, the involuntary vomiting of the poison. 'To survive', in this sense, is to have the biological capacity to be alive and to remain alive. There is, however, more to survival than mere spontaneous biological activity.

We have a natural inclination to behave in a way that will preserve our own lives. This too is, in part, connected with the fact that human beings are self-maintaining systems. Without any explicit consciousness of what we are doing, we have a psychological impulse to continue to live and to ward off attempts to destroy us.[82] The would-be poisoner must defeat not only the victim's involuntary bodily mechanism of defence but also the victim's animal horror at annihilation and the associated defensive behaviour. We behave in this way, it seems, not because we have learned, socially, the need for self-preservation or particular forms of avoidance behaviour but because it comes naturally to us. If this is correct, what I am calling survival is basic in the nature of human beings.

Sometimes, of course, we do things in order to remain alive in a calculated or deliberate way. Where we are subject to threats to our lives - the threat, for instance, of being poisoned, or of a fatal accident - we deliberately take steps to protect ourselves or to remove the threat. If we are considering whether or not to drink something, we

would regard the fact that it contains a poison and that drinking it could result in our deaths, as a prima facie good reason for our not doing so. If we are considering whether or not to scale a dangerous rock face, or whether or not to drive a vehicle in an unroadworthy condition, the possibility of failure or collision and the thought that this might result in death, is a prima facie good reason for deciding not to do the act in question. It is not merely the way we have been socialized to deal with the particular predicament which creates the intentional defensive response. To deliberately take steps to remain alive in the particular circumstances in which they are placed, is something that all human beings do, irrespective of the numerous differences in their social environments and the dissimilarity of their predicaments.

'Survival' in any of the senses discussed above refers to the state of being alive and to the drive we have for self-preservation (viz. seeking to remain alive). So understood, not only does survival justify or explain some of the ways in which we understand ourselves and the ways in which individuals in our own society behave, think and feel, it explains many of the ways in which we understand what other people, with quite different social practices, behave, think and feel. Our understanding and expectations of many of their beliefs, actions and practices, can be explained in terms of their seeking to maintain themselves in existence.

Why call survival, so understood, a need? We might claim that human beings, both consciously and non-consciously, need the capacity for self-preservation if they are to continue to live as long as possible or, anyway, if they are to avoid a premature death. Even for the irreversibly comatose person, survival of this sort is a need. However the account begins to look dangerously circular; viz. we need to survive in order to survive as long as possible. And the claim barely rises to the level of a clear argument for survival as a need(a) or (b). For if this is all there

is to it, what seems to be needed is simply more of the process of which the need to survive is itself the object.

A more promising line to examine is that survival is needed for the more imposing features of human life. It is needed, for instance, if we are to have any conscious experiences. Remaining alive is a necessary condition for our stream of perceptual states, for our sense of our own identity and individuality, for a conception of our own past and future. All such conscious states come to a halt, permanently, when we die. A live human being has distinctive feelings, emotional states and affective ties. A dead one has none. It cannot have likes or dislikes, be pleased or sorry, love or hate. Survival is needed for our ratiocinative abilities, our thoughts, memories, beliefs, judgements, intentions. We have a sense of ourselves, for instance, as initiators of actions and projects that make a difference to the course of events. We can choose and act in accordance with our choices. Of particular interest here is our moral agency; this too presupposes the satisfaction of the need to survive. As H.Lesser (1980:38) puts the matter:

> ...the existence of a moral agent is a necessary precondition of moral activity.

Moral judgements, no matter what, presuppose the existence of a moral judgement-maker. Survival is needed also for what we call the personality of a human being, i.e. the numerous traits, attitudes, values, etc. that make up our character. And, obviously, if we are to continue to have any relationships with other people then we need to survive.

We can see now that in keeping with the criteria we discussed earlier, survival is a need. Firstly, it is non-volitional and universal. All people have this need regardless of what they wish, prefer, want otherwise, or choose. It is a pre-condition for our having any other needs, wants, values, relationships, and death is the absence of this condition. Secondly, survival is not something that is required and then can be dispensed with

but is a permanent condition for any other ends which a person has. Thirdly what is needed - being alive and remaining alive - is part of the end itself. Fourthly, we would not normally ask about, let alone evaluate, the end served by this need. Regarded in this light, being alive and remaining alive seems to have as strong a foundation as a need as we could hope for. I will expand on this claim shortly. We must ask first: what has survival to do with questions of moral value?

As a matter of fact their own survival does have a special value for most human beings. The reasons above might partly explain this. However I do not want to argue that their survival ought, therefore, to have a special moral value for them; that we have a moral right to survive, or a duty to keep ourselves and other human beings alive. We are unable to make a straightforward deductive passage from statements concerning survival to statements of moral value. Many philosophers do make this transition, of course.[83] Notably T.Hobbes (1651:104) who recognized the importance of the natural impulse to preserve one's own life which, he then claimed, is also a right that human beings have and can never completely abrogate. In society, a person never surrenders his right to resist those seeking to kill him or the right to refuse to obey an order to take his own life. Hobbes seems to think that this right derives directly from something basic in human nature.

What Hobbes does not tell us, of course, is how an appeal to an instinct creates a moral right. The impulse to survive is not the same thing as a moral right to it, nor does the former entail the latter. This is obvious, firstly, since primarily persons, (indeed until recently, only persons), have been considered to possess rights. If something has a right to life solely because of a biological instinct, we should have to say also that animals have a right to life since they seem to have a similar biological drive to survive. The latter claim, of course, is not at

all straightforward and uncontroversial. Secondly, whether or not people go on living depends in part on whether or not they want to, a contingent matter. People do take great risks with their own lives and sometimes they do, intentionally, take their own lives. They may be said, in these respects, to be disregarding or forgoing their own instincts. It would be odd to suggest that, in such cases, since the instinct to survive appears to be lacking the claim to the moral right is forfeit. Sometimes there are considerations other than their own survival, which people regard as primary. Some regard their own death as preferable to a future which offers only the prospect of a life within a hated political system. If they are incurably ill and suffering a great deal of pain, a person may ask to be put to death, to prevent further suffering or in order to die peacefully and with some dignity. If a human being's right to life derives only from his instinct for it, since the latter does not seem to be invariable, are we to say that the moral right to it is, similarly, variable?

I do not want to argue, then, that there is a deductive connection between the need to survive and a moral right or duty. Neither do I want to say that the connection between survival and many of our established moral beliefs is merely conventional. There is a stronger link between the two but this still has to be identified. I will try to show what I think the link is by discussing it within the context of deliberate killing.

The need we have to survive is at the root of our belief that killing another human being is <u>prima facie</u> morally wrong. It helps to explain the significance that this belief has for us.

4. <u>Why killing another human being is morally wrong</u>

I claimed earlier that one of our fundamental moral beliefs - which any moral theory worth the name will be able to explain and justify - is the belief that to deliberately

kill another human being is evil, incommensurable with most other evils. Against such a view, we noted, cases are cited where the victim is in great pain and incurably ill. Might not he be deliberately killed? This may be admitted without giving up the view that deliberate killing is a prima facie wrong. Taking the life of someone who is terminally ill to prevent that person further suffering, is sometimes regarded as justified (mercy) killing. Cases could also be cited where a person in self-defence or who, under extreme provocation, deliberately kills their adversary. (In law, extreme provocation may reduce a charge of murder to man-slaughter.) To deliberately kill a combatant in war, no matter how unjust the war, also would seldom count as a case of unjustified killing.

The question of when an act of killing is justified, of course, is controversial. But the controversy is not one concerning the correctness of the principle prohibiting killing, but one concerning the exceptions. 'It is right to kill in self-defence', for example, is not an uncontested principle, since the parties will sometimes differ as to whether this exception to the rule prohibiting killing is justified, and they often differ as to whether the case in question is one of self-defence. However we can leave these questions to one side. For we all seem to agree that any such act, if it is not to be considered morally wrong, must be justified, mitigated or excused. The moral belief that requires explanation and justification, this is to say, is why to deliberately kill another human being is always a prima facie wrong.

Someone who wants to say 'Killing is morally wrong' is an analytic truth cannot be easily refuted. Unless, of course, his moral system is made inconsistent by the inclusion of this principle; (and even here he might choose to give up other moral beliefs, rather than give up this one). However, by a parallel argument, someone who says that 'Adultery is morally wrong' is axiomatic also makes a claim

which cannot be easily defeated. Must we say that concepts like 'Killing is wrong', 'Adultery is wrong', bring the possible chain of reasons to an end? Suppose that I condemn an act as one of deliberate killing and that you ask me "Why is this wrong?". Is the best that I can say "Just because it is wrong"? To leave things at that, (to put the matter mildly), begs all of the important questions. The claim should be defended in substance.

There is another reason for our pursuing the matter. I want to argue that our moral beliefs are ultimately reducible to need-reasons. To allow 'Deliberate killing is morally wrong' to be a matter of definition would be to forfeit the thesis. How then do I account for the belief? Earlier we considered and rejected the utilitarian views, viz. that it is the harm to the victim's - or his family's - preferences, or that it results in disastrous consequences for them or for the society in which the victim lived. At the time I showed that these are side issues. I want to argue now that it is concern for the needs of the victim which is central to our condemnation of killing him.

The strongest reason for our belief that it is morally wrong to deliberately kill a person who does not choose to die is that this is to destroy something the victim needs(a) if he is to function as a person and that he needs(b) for those states that he will regard as worth living a life for. This may seem strange on first reading, but consider the following.

In the first place, being alive and remaining alive is a need(a) for any kind of human life. It is a universal and non-volitional need; a condition that has to be met if a person is to function at all. One needs(a) to survive, in other words, for all of those other things which surviving entails. It is needed for the spontaneous biological process to continue, for an individual to be a centre of consciousness, to have perceptual experiences, ratiocinative abilities, a sense of identity and individuality, a

personality, emotional and affective ties, etc. Regarded as a need(a), we do not have to place value on any of the items in this list. Survival is a need(a), independently of norms. It becomes something of value only when it occurs as a reason in the moral judgements of an autonomous judger.

We may see this most clearly, perhaps, in the situation where the judger's life is endangered by the threat of murder. Someone who is about to be killed in this way has a prima facie good reason for judging that such an act ought not to be done. Unless he survives he cannot satisfy any of his other needs. Why not say "If he is killed, he won't have any of these other needs, so it won't matter that they are not fulfilled"? As we shall see in Chapter Seven, the person who raises this sort of question has failed to universalize properly. There are two things to be borne in mind here: (i) if the reason 'He won't have any of these other needs' is supposed to be a good reason for the (autonomous) moral judgement 'It does not matter that he is killed' in this particular case, then it is a good reason for the same course of action 'not mattering morally' for all like cases. And (ii) the universalized form of such a judgement is not an intelligible account of (human) moral practices. If the arguments in Chapter Seven are correct, we are justified in offering a description of the need(a) to survive - though in some cases this will be more explicit than in others - as a judger-neutral reason for a moral judgement concerned with the wrongness of killing.

The other reason I mentioned for our belief that it is morally wrong to deliberately kill a person who does not choose to die is that survival is indispensable to all forms of flourishing. It is an instrumental need(b) for any other thing that the victim will regard as worth living his life for. If he regards being dead as nothing and if the victim's own evaluation is that any stretch of existence is better than nothing - that any sort of life, even just the continuance of the spontaneous biological process, is better

than none at all - then he needs(b) to survive. H.Rolston (1982:337) reflects this view when he contends:

> Life is present where there are ongoing spontaneous organic functions, even in the absence of mental functions, and such life ought to be given moral respect...

The more usual view,[84] especially in recent medical ethics, is that this spontaneous biological component of life, by itself, is valueless. Yet if the victim regards the spontaneous function as only of instrumental value and he considers being 'a centre consciousness' as of intrinsic value, he still needs(b) to be alive. By destroying his life, we are destroying these other states that matter to him. Perhaps the most important 'other state' which, for good reasons, people generally regard as worth having, is the sense of themselves as self-determining or autonomous beings. We can make choices, we said. In particular, we can choose about remaining alive or dying. Thus to kill a person who does not choose to die, is to take away that person's autonomy over the decisions about his own life or death. As P.Singer (1979:83) notes:

> ...killing a person who does not choose to die is the gravest violation of that person's autonomy.

Being alive and remaining alive, then, is an instrumental need(b) for any or all of these other things which lead to human flourishing.

So a person who is about to be killed has another reason for judging that this ought not to happen. It destroys a need(b) for the satisfaction of the other things that the victim will regard as worth living his life for. For the moment this does not commit us to saying anything about what exactly makes the victim's life worthwhile. However as we shall see, some needs in this context are already fixed; e.g. for self-determination, for self-realization, a sense of unity in one's life, for personal relationships, and so on. There are capacities, states, drives, in other words, which are needs(b) for persons. Any rational person will regard the form of flourishing which such needs meet as

worth having and they would be strongly opposed to having them terminated.

I am arguing that, so understood, the needs(a) and (b) to survive provide a prima facie good reason of our commonsense moral prohibitions on the deliberate killing of other persons. To see this, it is important for the moment to dwell on the conditions which have to be fulfilled for a reason to be a prima facie good reason; viz. we could not comprehend what precisely is being advocated when the relationship between the need-reason and the moral judgement is denied. Let us take a concrete example:

(i) Smith morally ought not give poison to Jones;

and let us mean by

(ii) because he needs(a) and (b) to survive

the rather convoluted 'Being alive and remaining alive is a need(a) for Jones if he is to function as a person and a need(b) for all those other states, capacities, abilities, the satisfaction of which will make the Jones' life worth living'. I maintain that, so interpreted, (ii) is a contingent yet prima facie good reason for (i).

As we noted earlier, this is not to claim a logical entailment between the need-reason and the moral judgement. On my account, the need-reason for the moral judgement against killing is presumptive; whereas, for instance, on P.Foot's (1958:126) account:

> ...if it is described correctly the logical gap between factual premises and moral conclusion disappears.

Might we say that described correctly, the logical gap between (ii) and (i) disappears? So that as a matter of logic, (ii) entails (i)? It seems not. We have seen that contrary reasons can be offered which, many would say, override (ii). Jones may be hopelessly senile or a human vegetable and Smith may believe that poisoning him is therefore morally justified. Or let us suppose (the old philosophical saw) that killing him is the only way to prevent Jones from slaughtering many thousands of people.

No doubt it would be agreed that when this reason is added, killing Jones is justified. However this does not rebut Mrs Foot's point about closing the logical gap. For 'described correctly' our moral belief is not (i) but

(iii) Smith ought not, without justification, to poison Jones.

Even so, the relation between (ii) and (iii) is an odd kind of logical entailment. The acceptance of (iii) and denial of (ii) does not thereby reveal a contradiction and we would not normally regard the conjunction of (ii) and (iii) as a logical truth. To call it such, suggests a conclusiveness that does not really obtain, (due to the vagaries attaching to the notion 'without justification').

However neither is the relation between (ii) and (iii) merely contingent in the sense that while the need-reason is universal, the singular moral judgement it supports describes just one of many alternative conventions. Moral beliefs can vary from one society to another. As we noted there are, nonetheless, limits to such variation; limits set in part by the concept of a **human** society. And the idea that an act of deliberate killing could be regarded as irrelevant, (or a prima facie morally right action), in the moral practices of a particular society, seems to fall outside of these limits. How are we to show this?

Could the act of deliberately killing another human being be irrelevant in the moral practices of a particular society? The claim might be thought to be justified when we notice the obvious diversity in moral practices. As D.Z.Phillips and H.O.Mounce argue, what is regarded as moral or immoral can differ from one social practice to the next. They write (1970:15)

> To maintain that within a moral practice certain facts will entail certain moral conclusions does not preclude the possibility of there being different moral practices within which the same facts entail different conclusions.

Presumably, Phillips and Mounce have in mind here practices that are different from our prohibitions on killing? They

would maintain, presumably, that it is a mistake to suppose that the same fact 'This is an act of deliberate killing' results in the same moral conclusion 'This is a prima facie morally wrong act' for everyone, irrespective of the moral practices of the society to which he or she belongs.

Let us assume that their argument allows that there could be a society A which has different moral practices to our own, one of which is that there are no moral prohibitions on deliberately killing other human beings. How should we understand this claim? Is it that (1) killing another person, for whatever reason, in society A is never morally wrong? Or is it (2) that some acts, which we think of as prima facie wrong acts of killing, they do not consider to be unjustified? One and the same brute fact - Smith deliberately poisoned Jones - which in our society we call murder, they would not?

The claim (1) is that there are societies, (or we can imagine a human society A), where the importance we attach to prohibitions on killing they attach no importance to at all. A member of this society understands what it is to deliberately kill another human being without any mitigation or excuse, yet the evaluative element we derive from this, he does not. To kill someone in society A is not to do something that matters morally.

This prompts the question: would we be able to understand the justification of a practice in which killing another human being is a matter of moral indifference? It goes without saying that if their indifference is to count as 'moral' indifference, (as opposed to mere custom or habit), then it will be based upon reasons. And we are not here in the business of merely describing a putative social practice in which people seem to behave in the way suggested. For people behave in ways which make little or no sense and they may talk nonsense in trying to justify their behaviour. What counts as sense will be an intelligible answer to the question: how do they justify a practice in which the

deliberate killing of another human being is (always) a matter of moral indifference?

Given only the resources of the needs thesis that we have developed so far, we are able to maintain that the act is prima facie wrong because it destroys a necessary condition for all other needs if one is to function as a person and for all those needs the satisfaction of which will make the victim's life worth living. And this gives substance to the claim that (ii) is a prima facie good reason for (iii). I cannot see but that any human social practice is bound to admit this. (When we consider the universalized form of judgements which deny (ii) and (iii), the case against this form of relativism seems incontestable; see pp.328-332 ahead.) So, like the Boston ladies, we know the hat I am wearing. I do not insist that the relativist wears my hat. I only want to know what hat he is wearing. He must tell us, in other words, how the alleged indifference to all acts of killing in society A is morally justified. As far as I can see, this cannot be done. The burden of proof is his.

Interpretation (2) above requires that some acts that we think to be acts of unjustified killing, members of society A do not. At first blush this seems obvious but the problem still is to know how to understand the claim (2). Are we to understand it to say: (i) the **same** act of deliberate killing, for which there are no mitigating or excusable grounds, that we would judge to be morally wrong, they would not? This seems odd. I think that the oddness lies in describing the act as the **same** act. We may exercise discretion in the way in which we describe acts. We can speak of one and the same act, namely the fact that someone deliberately poisoned someone else. This is an act of murder in our society but, no doubt, there could be a society A where it is not. However if it is not regarded as an act of murder in A, can we talk of it as being the **same** act?

What seems more likely is that we should understand (2) as (ii): one and the same act of killing, which in our society we call unjustified, they would not, because the grounds for justified homicide can be different from one social practice to another. Mercy killing, for example, may be regarded as justified homicide in one society (usually it turns out to be Northern European) yet not in another. The justification, presumably, is that the harm that is prevented, or the good that comes as a result of it, is considered to make the fact that it is deliberate killing recede in importance. If this is correct, what it shows is that there are other needs to which an individual's need(a) to survive may sometimes yield. Thus the deliberate taking of a life might be justified, in society A, because it is judged that there is a greater evil involved than that of deliberate killing, (e.g. a slow and painful terminal illness), or because there are things which matter more to individuals in that society than the taking of a life.

We can see this perhaps more clearly in the case of indirect suicide.[85] A person may sacrifice his life for a cause in which he believes; e.g. a Gandhi who is prepared to starve to death for an ideal. However this is a sacrifice. Clearly, where this happens, what is gained is regarded as something of greater value. As H.Lesser (op cit:42) writes:

> ...since values require moral agents, the circumstances under which the sacrifice of the lives of moral agents promotes these values must be highly exceptional;...

So there still will be agreement that survival is a need, even though there may be disagreement over which things, if any, merit the sacrifice of a human life. Should a hunger-striker sacrifice his life by starving to death for the sake of political goals that he, or his group, may thereby achieve? Should a Catholic mother risk her life for the honour of having a baby (or, equally tendentiously, for the sake of the embryo in her womb)? In all such cases, the point should not be lost that the circumstances in which a

life is sacrificed must be exceptional. Not surviving can be rationally justified only to avoid a greater evil or gain a higher end.

What we are prepared to admit as 'a higher end', (or greater evil), moreover, is not without limits. Sir James Frazer (1922:497) tells us that the Nauras Indians of New Grenada killed in order to eat

> ...the hearts of the Spaniards when they had the opportunity, hoping thereby to make themselves as dauntless as the dreaded Castilian chivalry.

In the pages ahead (pp.421-423) we shall see that where the need of a human being to survive is denied for ends of this sort, it is reasonable for us to respond that such a practice is irrational from any point of view and thereby morally wrong.

I am arguing that differences in moral practices concerning deliberate killing are not to be explained as different attitudes to the general prohibition on killing but as differences in what are considered grounds for mitigation or excuses for it. I hope to have shown also why I maintain that all persons have the need(a) and (b) to survive in common and, more than this, that the need does not entail, nor is it a merely contingent reason but is, rather, a prima facie good reason for a moral judgement condemning deliberate killing.

When we attribute a need(a) to someone, we are referring to a thing he needs if he is to function at all. When we attribute a need(b) to him we are referring to those things he needs in order to flourish, or without which they will be harmed. In this section we have discussed survival in terms of a need(a) and (b). Let us now consider briefly some of our bodily needs(b).

5. Bodily needs(b)

By 'X needs(b) F in order to R' we can mean that he or she biologically needs F in order to flourish, or that it will be physically injurious, or deleterious to X not to

have F, or enough F. And the complete description of what is needed will be part of the explanation of what it is for a person to flourish. In this sense, human beings need(b) enough to eat and to drink, in any environment they need(b) adequate shelter, warmth, clothing, etc.

I want to emphasize four points here. Firstly, such needs are universal. All human beings are relevantly similar in their bodily needs(b). They are not merely the needs of people at a particular point in history or of just a particular individual or group. However, within the basic similarity there is, of course, immense variety.

Secondly, such needs are non-volitional. We all need(b) a certain amount and kind of food. To meet this need, at different times we desire different sorts of food and different amounts of the same food. Our needs(b), however, are distinct from our wants, preferences or desires. The hunger-striker's need(b) for food is not to satisfy a desire or any other volitional end. The voluntariness of his previous acts does nothing to make his need(b) for food less now. Unless he has satisfied this need, on a continuing basis over a period of time, he could not now forgo it for the sake of political or other ideals.

Thirdly, all of the bodily needs here can be thought of as being empirically determinate.[86] I take it that 'X needs food in order to flourish' is a matter of fact. There are empirical tests which show that food is such a need, (as there is, presumably, for each of our other bodily needs). Actual disputes about what constitutes the right kind of food for human flourishing, (e.g. 'Is a vegan seriously harmed by not eating animal foods?') are capable of being empirically resolved. This does not mean that such a dispute can be resolved easily, for the notion of physical harm here is complex. Similarly, what is to count as enough (or insufficient) food can be settled empirically. What we count as enough food, of course, will vary to some extent with other facts about us. What counts as sufficient for an

Olympic athlete will differ from what is sufficient for a year old infant or a middle-aged university lecturer. And not only will it vary in relation to the different ages, tasks and values of individuals, a different kind and amount of food is needed for different physical environments, e.g. in a temperate or in a tropical climate. Nevertheless, it remains an incontrovertible fact about any human being that he or she needs a certain type and amount of food to function effectively and it is injurious, or deleterious to any of us not to have this.

Finally, the satisfaction of our bodily needs(b) are empirical pre-conditions for those other things we will regard as worth living a life for. As G.Allport (1965:205) writes:

> If someone is very hungry, very much in need of oxygen, water, or rest, all other motives fade away until the drive is satisfied.

Only when there is enough food on a continuing basis, it seems, do the other, higher needs, emerge. When there is not enough food, 'man lives by bread alone'. We might note for future reference here (see p.190) that in a state of continuous near starvation, not even Brentano could have concentrated on philosophy. We should notice also that the need for food, water, shelter, are of a 'now or never' sort. It is pointless to postpone meeting the need(b) of famine victims. If they are not fed this year they will not be around next year to benefit from an aid programme.

Again, I do not want to argue that being fed, clothed, etc. ought to have some special moral value for human beings, or that we have a duty to keep ourselves fed or to help to feed other human beings. My point is, firstly, that such needs **do** play a central part in our ordinary moral beliefs, e.g. 'Human beings ought not to be left to starve'. If it is in one person's or group's power to prevent another from starving, without thereby sacrificing something of comparable significance to themselves, we do believe they ought to do it. Secondly, a need(b) reason e.g. 'People are

starving in the Horn of Africa', is a prima facie good reason for the moral judgement e.g. 'We morally ought ceteris paribus to do something to help them', (if no other contrary need-reason can be offered capable of overriding it). Moreover, where a particular need(b) is appealed to as a prima facie good reason for a judgement this is to indicate fairly precisely what ought to be done to remedy the situation. There seems to be no point in looking for a further justification, apart from the reference to the individual's flourishing which will be promoted by the satisfaction of the need or, more usually, to the injury or harm that will result due to its neglect.

6. The need to avoid injury

Another kind of biological need(b) we have is for our bodily organs to function properly.[87] If they are to survive at all, we noted, human beings, like all sentient creatures, need their vital organs to function; they need their brain, spinal cord, their heart, lungs, digestive and eliminating organs, etc. to work. If they are to flourish - or they are not to ail - they need these organs to function properly. They need, in other words, to maintain good health and to avoid injury, disease and other forms of unnecessary physical suffering.

Once again, what we count as 'flourishing' will to some extent vary with prior values. What counts as sound physical health, for instance, to the Olympic athlete will differ from what counts as health to a middle-aged philosophy lecturer. The latter would be more than pleased with a physical condition that the former would regard as woefully unfit. What counts as sound health, also, will vary in relation to different social and physical environments. No doubt a different kind and degree of fitness is needed in an industrial environment, like Glasgow's, to that of a non-industrial one like that of Transkei. Nevertheless there remains a central core of

objectivity to the need(b) for physical health which applies to all human beings.

There is a core of objectivity too in the claim that human beings are alike in their capacity to physically suffer. Let me say, briefly, what I mean by 'being alike' in this context. If I am given a slap on the back, I feel little pain and I do not suffer. My skin is quite hard and protects me from a mere slap. If my youngest child is slapped in the same way she does feel and suffer from the pain, because she has a more sensitive skin. Now there will be some kind of blow - perhaps a blow with a stick - that would cause me to suffer as much pain as I would cause my daughter if I were to slap her. This, I hope, indicates what we will mean by 'being alike in our capacity to suffer pain' or, mutatis mutandis, by 'like cases of physical suffering'.

Human beings are alike in their need(b) to avoid, or to end, physical suffering. We regard it as an ailing condition. This seems to be analytically true; viz. in virtue of the meaning of the words 'suffering' and 'ailing'. (I will return to this point shortly.) This is not, however, to be confused with the similar, but false, claim about pain. Let me illustrate the difference with an example borrowed from R.Bambrough (1979:15). We believe that a child, who is about to undergo what would otherwise be painful surgery, if there are no other complications, should be given an anaesthetic before the operation. Not giving her the anaesthetic will cause her unnecessary and excruciating pain and in such circumstances she would normally be thought to suffer. It is logically possible, however, that she will not suffer. And from the literature on this subject there are some grounds for thinking that in rare cases this is an empirical possibility also; some people can experience intense pain and yet not suffer.[88] Nonetheless that children would normally suffer in such circumstances is, surely, a well established contingent

truth. And if she suffers due to the pain, she is ailing and she needs(b) to end the suffering.

Human beings are alike also in their need to avoid damage to their organs and limbs. The effective functioning, for instance, of our eyes, ears, hands, legs, may be regarded as a universal and non-volitional need(b). Though, once again, what we consider to be adequate sight, hearing or walking ability, will vary. A Transkian hunter will need to have better vision, hand-eye coordination, hearing, and be more fleet-of-foot than a Glaswegian office worker. Nevertheless the office worker, like the hunter, regards damage to his or her organs and limbs as harms. Why? Because to function effectively, any human being needs(b) to be able to see, hear, walk; these abilities play such an important part in so many of our everyday operations.[89] An injury to any one of their organs or limbs is something which anybody has a good reason to avoid. If they are weakened or destroyed, the victim's effective performance as a human being is impaired.

Can we go from here to claim that for one person to deliberately cause unnecessary physical suffering to another, or to damage their organs or limbs, is not merely to harm them, but is morally wrong? Let us consider the case of the child suffering an unnecessary physical pain. Can we say that if she is not given an anaesthetic before the operation this is not merely to cause her to suffer but also to do something to her which is <u>prima facie</u> morally wrong? Couldn't it be asked, for example, "What if her suffering is short-lived. Does this really harm her (or interfere with her flourishing)? And even if it does, is it really this that makes the act morally wrong?". [90]

Let me put the questions here in another way. <u>Ex hypothesi</u> the child suffers unnecessary pain when she undergoes the operation without an anaesthetic. The questioner asks, firstly, whether such suffering must be regarded as a harm to the child. Suppose that the child

forgets all about it. Doesn't this show that while the pain may have been agonizing and needlessly inflicted, she doesn't really suffer on balance? In response to this challenge it must be understood that in such a context, we are referring to her actual experience of suffering. She might (or might not) suffer in the long run, in other ways; e.g. from various after-effects, such as fear of the painful event happening again, or other neurotic symptoms. We can put these considerations to one side, however, since we do regard her particular experience of suffering, itself, to be an ailing condition. This too is a conceptual truth, which holds in virtue of the meaning of the words. It would be logically absurd to say that although the child is suffering extreme and unnecessary physical pain, she does not suffer, or is not being harmed, by this.

The second question asks: even if it does genuinely harm her, surely this is not necessarily the reason for morally condemning the act? Let us suppose that the failure to give her the anaesthetic is due to an oversight; that no one involved feels pleasure at seeing the child in agony, etc. Is the child's unnecessary suffering nonetheless a prima facie good reason for morally condemning the act? As before, my response in Chapter Seven will be that someone who asks this, has failed to universalize properly.

When I claim that the suffering caused to her is a prima facie good reason for judging this act to be morally wrong, I am not saying that the relationship here is one of logical entailment. Other needs might outweigh this one. If they did not, we would never require our children to undergo dental surgery just in case they suffer unnecessarily. Neither is the unnecessary suffering she is caused merely our idea of wrong or merely a contingent truth in our moral code. For it is difficult to understand what could be in the mind of anyone who challenged the claim that this is morally wrong. Suppose per absurdum someone said "I know how she feels but I would not think it morally wrong if

somebody were to do that to me". If my argument - in Chapter Seven - is correct, he could not really know or believe this. For if we are alike in our need to end an experience of physical suffering then, like any other human being, he has an equal aversion to having something similar done to him. Hence I maintain that the description of the suffering is a prima facie good reasons for a judgement, anywhere, at any time, condemning such an act; e.g. 'She ought not to be treated in this way'; or 'Anyone who treats her so has done something prima facie morally wrong'.

I hope that from the above, my answer to the morality of a non-accidental injury will be obvious; a non-accidental injury caused by one person to the body, sight, legs, or other limbs and organs of another, so that the injured person can no longer function effectively, also is prima facie morally wrong. This seems to be something we accept as uncontroversial in ordinary experience. We are shocked when we hear of cases of torture, unprovoked physical assault, child-battering and violence of this sort, and we abhor such conduct. We think, for instance, that the parent who batters his or her child, say, causing the child a permanent injury, does something morally abominable. We cannot regard such acts of child-battering with moral indifference, (or as morally right) since to understand the suffering involved is to understand the reason for morally condemning it.

This is not to claim that we automatically blame the offending parent. Sometimes the facts upon which a judgement ought to be based are hidden from us. As a result, we mistakenly relate the action to the choice and responsibility of the parent. Whereas a professional psychologist may explain the battering in terms of various features of, say, the mother's own childhood - she may have been similarly assaulted in early life - or to the fact that child-battering results from the mother's clinical depression. Such explanations suggest that she is not

responsible, or at least not wholly responsible, for her action. For this reason we might be reluctant to blame the mother, despite our belief that her action is morally wrong. We can, so to speak, hate the sin yet love the sinner.

I am claiming that we must regard unnecessary suffering or avoidable injury as harms and that the descriptions of such conditions are prima facie good reasons for moral judgements condemning the acts in question. Both claims, as we have noted, are contested. Certainly, they have been subject to a lot of criticism in the recent literature.

D.Z.Phillips and H.O.Mounce (1965)[91], for instance, argue that (i) one person's views as to what states-of-affairs constitutes physical harm (or flourishing) may differ from another's and, moreover, (ii) people may differ also in their view of the relevance of these reasons (harm or flourishing) to what they consider to be morally right judgements. Let us consider their arguments.

7. Phillips' and Mounce's criticism

Phillips and Mounce give as a counter-example, which purports to show that physical injury cannot be considered to be an incontestable harm, the case of Brentano who it seems regarded his blindness as a blessing and not an affliction. This is because it allowed him to concentrate more on philosophy. They tell us (1965:145) that

> Brentano was blind at the end of his life. When friends commiserated with him over the harm that had befallen him, he denied that his loss of sight was a bad thing. He explained that one of his weaknesses had been a tendency to cultivate and concentrate on too many diverse interests. Now, in his blindness, he was able to concentrate on his philosophy in a way which had been impossible for him before.

Here we are presented with a particular physical disability that I am suggesting has to be regarded as a harm or ailing yet which, we are told, Brentano, quite reasonably, did not regard as a harm.[92] Considerations of this sort should lead us to conclude, suggest Phillips and Mounce, that what

'harm' consists in depends crucially on one's other ideals or aspirations.

The matter cannot be settled this quickly and easily. In the first place, presumably, we would all agree that some of the more extreme states of physical suffering are prima facie harms. A person's health can be damaged or can deteriorate to such an extent that the notion of flourishing is forfeit. Let me make the point in another way. The phrase 'human flourishing', we noted, does not tell us what sort of things are needed in this respect, but it does imply that we need some level of good health. Certain physical states, like a brain tumour, would make this impossible. So even Brentano needs a level of good health - and a substantial level at that. Without it, not even he could have concentrated on philosophy.

Secondly, as a matter of fact, it is a sound empirical generalisation that people do regard blindness, permanent dismemberment, deafness, illness, etc., as harms. That the loss of one's sight is completely unimportant, is a very unusual claim for a rational person to make. Such a view is not actually held by many sane people. To adapt an argument of Mill's (1861:259), few healthy human beings who can see, or hear and speak, would consent to an operation which changed them into a blind and deaf mute. Where a person does intentionally mutilate his own body this usually indicates a severe psychological disturbance.

What are we to say, then, of Brentano who - it appears from Phillips' and Mounce's use of his example - thought that something we regard as an incontrovertible harm was actually beneficial to him? I have said that a person to whom a need is ascribed, because he lacks something and thereby ails, may resist the ascription of the need on the grounds that he doesn't think that he is being harmed. We must not assume, as Phillips and Mounce seem to, that Brentano's opinion on the matter cannot be faulted.[93]

Also we need to ask if Phillips' and Mounce's interpretation is the most plausible that can be given of Brentano's case. We need to know, for instance, if Brentano would have chosen to have been blind. Would he have been happy to have been born blind, or to have lost his sight earlier in life, in order to concentrate the more on philosophy? Would he recommend to any aspiring philosopher that he has his offending eyes plucked out? The point here is that Brentano may have thought that he did not need to see. He was not necessarily wrong. Yet it is highly likely that he was wrong. We could show this, for instance, if there were some other things he wanted to do for which he would need to be sighted. Also we could confidently predict, to the aspiring philosopher anyway, that in many ways the life for a philosopher would be much more difficult if he could not see.[94] Few philosophical texts have been transcribed into braille, for instance, so one would not be able to read the books and articles of one's peers. In this and in many other ways, one's life would be made more difficult as the result of blindness. On these assumptions, surely not unreasonable ones, (viz. that Brentano would not have wanted to have been blind from birth, or earlier in his life, or that he would not have wanted to have made his professional life more difficult by becoming blind, and so on), then he did need(b) to be able to see.

Nevertheless, let us accept Brentano's own opinion about what harmed him and what did not. How are we to explain this? The connection between a bodily need, on the one hand, and a value judgement, on the other, I have said is not invariable. It can be overridden by other needs. Human beings have many, sometimes conflicting needs. There are many things that we regard as harmful. In Brentano's case, for instance, a tendency to cultivate and concentrate on too many diverse interests and, as a result, to fail to properly develop one's talents, is a very great harm. However failure to develop one's talent to the full is, as we shall

see, something any rational person will regard as a harm. Since this is so, it seems more reasonable to conclude - from the paragraph quoted - that blindness was a harm for Brentano, just as it is for the rest of us, but there are things which mattered more to him which made his blindness recede in importance. To argue thus, is compatible with my needs thesis.

Let us now consider the objection that we can differ about the moral relevance of things that harm us. In a second example they offer, Phillips and Mounce cite the case of a Catholic housewife for whom the threat of avoidable physical injury is claimed to be quite irrelevant to what she considers to be morally important. The woman, we are told, resists the advice of her doctor that she will be physically harmed if she has another baby (and that, therefore, she should use a form of contraception). The doctor, they write (ibid:146),

> ...(a) scientific rationalist...in an argument with a Roman Catholic housewife over birth control, stressed the harm which could result from having too many children. He obviously thought that the reference to physical harm clinched the matter. The housewife, on the other hand, stressed the honour a mother has in bringing children into the world.

First of all, if she thinks that a serious and unnecessary injury, as a result of childbirth, does not count as a harm at all, the woman is wrong. Suppose the injury is fatal. If she or the baby were to die before or during the birth then, in an obvious sense, she would forfeit the honour of being a mother. If the harm to her was not fatal but a permanent injury, no doubt as a permanent invalid she would not be the mother she would want to be. So to achieve 'the honour of bringing children into the world' the housewife needs to be alive and to avoid serious injury.

Can the warning of the danger to her life, or of an avoidable serious injury, be thought to cut no ice at all as a morally relevant reason to a devout Catholic woman? I think that a more plausible interpretation of the example is

that the harm of a physical injury does matter morally to her yet it recedes in importance when compared with her religious commitment.

To see this we might begin by recognising that there will be considerable agreement between the housewife and her doctor about most of the value judgements which follow from reasons concerning the harm of an avoidable injury. If there was nothing else at stake but a likely injury to the woman, which could be avoided by taking precautions, then presumably, her own physical well-being would have a similar normative significance for her as for the doctor. Otherwise why would she go to the doctor? In many cases where there is a controversy, moreover, there is undisputed factual evidence and to point to it can result in moral agreement. Consider, for instance, a disagreement between the housewife and the doctor, in which she wants a natural childbirth, the doctor recommends a Caesarian section, and the outcome is decided by virtue of the avoidable injury to the baby. The facts have the same moral significance for both of them.

The next point to realise is that there would be no moral dispute between them, if it were not seen on both sides that the woman may die with the burden of another birth, or that she may be seriously unhappy because she has too many children, or that her other children may suffer due to the mother's depression caused by too many children, or that the poverty which may result from too large a family may be harmful, and so on. On the other hand, there would be no dispute if it were not seen on both sides also that the Catholic mother needs to be loyal to her faith, her priest, her church; that there can be great distress to the woman if she is barred from the sacraments. Similarly both sides appear to recognise that the question of whether or not she uses a contraceptive device is ultimately the self-determining prerogative of the housewife. We may assume that though he takes an opposite view over contraception, the doctor believes that the housewife ought to do what she

chooses and that this matter cannot be settled by the doctor or any other expert.

In the light of all of this, a more plausible interpretation of the example Phillips and Mounce give is that the threat of the avoidable physical injury is morally relevant to the housewife yet this recedes in importance when compared with her religious commitment. We have a multiplicity of needs and people weigh some, though not all, needs differently. For the housewife, her Catholic beliefs are of greater importance than any suffering which having a baby might involve, whereas for the doctor, the physical harm to his patient is the overriding consideration. There can be little doubt that the housewife will view the likely injury to herself as a sacrifice. It is a sacrifice that is rationally justified only because there are needs which matter more to her. In other words, pace Phillips and Mounce, her disagreement with the doctor is not about the moral relevance of the likely physical harm to her but whether or not the harm in question merits being given greater weight than her religious beliefs. Should she risk her life for the sake of her religious convictions?

In arguing this way I am agreeing with Mrs Foot, or any account, according to which some reasons have much the same moral significance for us all. However, the significance is not due to the entailment, or any other logical relation, between 'This is a case of an avoidable injury' and 'This morally ought not to be done'. I am arguing that a need-reason R gives rise to the strong presumption that the agent morally ought/ought not do F. By which I mean that if someone were to deny that the reason presumptively implies the judgement then the burden of proof would be on that person to show this.

Another way in which we can see how my account diverges from Mrs Foot's view is by considering what it would mean for a person to reject the judgement 'This morally ought not to be done because it is a case of an unnecessary injury'.

What would such a rejection involve? Would it make sense, for instance, to suppose that the judger might get outside the beliefs and ask himself whether this belief is not, perhaps, mistaken? It should be clear that on my account this is conceivable. Torture, for instance, I would argue is morally wrong and there is a good need-reason which shows it to be so. It is conceivable, I suppose, that experience could teach us otherwise. And, no doubt, some fantastic examples of this type of violence could be thought up in which it might be shown to be legitimate to torture someone. On Mrs Foot's account, on the other hand, it is by no means clear what it could mean to suppose that someone might seriously set himself to question the worth of such beliefs. If, as Mrs Foot suggests, when the facts and value judgements are properly described the logical gap is closed, then such an enterprise, in one respect, would be incoherent. If to intentionally torture someone entails doing something morally wrong, it is inconceivable that experience, or some imaginative example, should teach us otherwise.

Incidentally another important point of difference I have with Mrs Foot is that I require a fuller theory of needs than she offers. An act of deliberate killing or avoidable injury can be mitigated, we have seen, for they can conflict with objectives which are weightier or matter more to a person than his own survival or well-being. This, as we shall see, is a crucial point in matters of moral disagreement.

What has been established so far? The view that I have presented in this chapter is partly a view about the source of our moral beliefs. I have argued that all human beings have certain needs e.g. 'to survive', 'not to ail physically', etc. and that this ultimately explains and justifies the significance that some moral beliefs - concerning such things as prohibitions on killing, non-accidental injury or suffering - have for us. It explains

also why certain reasons e.g. '...because F will kill X', '...because F will cause X to suffer unnecessarily' are regarded as contextually relevant and elucidating. Reasons based upon such needs serve as prima facie good reasons for a judgement 'F ought/ought not to be done to X'.

It will be objected, however, that even if all of the above begins to explain or justify certain of our moral beliefs, it does not justify what is further implied, namely, 'Everyone rationally ought to take such need-reasons into account in their moral judgements'. In this and other ways, my account is incomplete. Suppose then, that I am asked: "Why should anyone take these need-reasons into account?". I want to show that this question is tantamount to asking: "Why should I be the kind of creature subject to the psychological laws that I am?". This is not a matter of choice for which action-guiding reasons can be given. If someone genuinely thought, for instance, that causing a child to suffer unnecessary and excruciating pain is morally right, they would be very abnormal as a person. This abnormality would be connected with other ways in which they related to people. He or she would lack certain psychological needs(a) or (b) of a person. As we shall see in the next chapter, if I am correct, there is a price to pay for this. For that individual would seem to be incapable of sympathy, pity, mercy; no doubt he would lack the capacity for mutual affection, friendship, or to trust other persons. He would lack also many of our ordinary moral beliefs. Put under this sort of strain, it would be doubtful that we are still talking about something to which the concept of 'a person' applies.

CHAPTER FIVE

PSYCHOLOGICAL NEEDS

There are numerous psychological capacities, abilities, drives, which all persons have in common. For instance, we all seem to need a sense of our own identity, to be self-determining, to develop our talents, and so on. Let us call these personal needs. Related to these, but different from them, are social needs that we share. We all need to be able to communicate with others and to have some level of acceptance from them. At certain times, in all of our lives, we appear to need close relationships, (these are usually to be found in family affection, erotic love, friendship, etc.). The question we must ask in this chapter is: as well as our bodily needs(a) and (b) are any of these psychological states necessary for any individual to function as a person, or such that they must be met for any person to lead a satisfactory life?

I will begin, in (1), by sketching some of the psychological needs I have in mind. For reasons to be explained, we will focus upon some of the psychological needs(a) and (b) that a person must presuppose when he makes a moral judgement. In the following sections I will argue that all persons are *prima facie* similar to a moral judger in having the same psychological needs. In (2), for instance, I will argue that we all need(a) and (b) to be self-determining. Also I will show how a number of ordinary value attitudes can be explicated in terms of the need for self-determination. In (3) I will argue that any person needs(b) a sense of his or her own identity and then discuss some of the implications of this need; e.g. for a level of self-knowledge, for self-realization, for a sense of unity in one's life, and so on. In (4) I will examine some of our needs which depend for their satisfaction upon other persons, like the needs for recognition and belonging. In

(5) I will outline some of our other emotional and affective needs, like the need(b) for pleasurable experiences. Then I will identify some other-regarding needs; viz. needs that a person has in response to the needs of other persons. In particular I will discuss, in (6), our needs(a) and (b) for active sympathy and, in (7), the implications of the latter for parent/child relationships.

1. Some psychological needs of a moral judger

I want to identify some of the psychological capacities, abilities, powers, drives, sentiments, that we must have in order to function or in order to flourish as persons. (I will discuss in detail their connection with moral beliefs in the next chapter.) We are faced by a problem here. How are we to pick out relevant needs(a) and (b) from the multitude of other cognitive and conative states, or from our numerous other feelings, emotions, drives and states-of-mind? Since we are primarily concerned to distinguish the conditions of relevance and elucidation for reasons in moral judgements, we can narrow the field here considerably by sketching, first, a few of the more obvious psychological needs that we must presuppose about a person who makes a moral judgement. If they are to be needs he has in order to function or flourish as a person, then they cannot be needs which are specifically relevant to judgement-making or to the content of moral judgements. (These matters will be taken up in Chapter Seven.) They will be, rather, the needs that we must presuppose about him qua person. To start with, we will presuppose that he is (and that he thinks of himself as) a conscious being, equipped with the ability to reason, with the power of self-direction, the capacity for personal relationships and for sympathy with other persons. All of the latter are necessary if he is to make any moral judgements at all. Let us consider them in more detail.

It goes without saying that at the time he makes a judgement the person will need to be conscious. This does not seem to be a very promising beginning. Our judger at many points in his life is not conscious, and many things besides persons are conscious. My dog, for example, possesses conscious states. Some mental predicates can be ascribed to it. He often wants to be fed; when he believes that food is being placed in his dish he wags his tail; he enjoys being stroked, feels pain if his tail is pulled, and so on. However we assume, not unreasonably, that the dog is not self-consciously aware of these states. A person, on the other hand, can be self-conscious, as opposed to merely conscious. Our moral judger needs this capacity. He needs to be self-consciously aware of what he is doing. This does not mean that he needs to be self-consciously aware of the fact that he is making a moral judgement, at the moment he makes it. It means that he needs this capacity; i.e. he needs to be capable of being aware of the fact that he is making a judgement.

Even if we were to suppose that my dog is aware of its own mental states, (it is aware that it is in pain, frightened, angry, etc.), what we would not allow is that it is self-consciously aware of its own continuing identity. It is not plausible to suppose that the animal could be self-conscious in the sense of being able, as J.Locke (1690:211) says,

> ...(to) consider itself as itself, the same thinking thing in different times and places;...

This brings us to another related psychological item in the make-up of our moral judger, qua person, that is, a sense of his own identity and individuality.

To universalize over hypothetical cases, our judger will need a conception of his own past and future. To universalize in propria persona he must be able to distinguish himself from other similar persons. He needs the capacity, as we noted, to form beliefs about counterfactual and hypothetical future states-of-affairs, asking whether or not

his judgement ought to be made in the circumstances envisaged. We assume that the dog is not able to formulate beliefs of this kind. At any rate, he does not exhibit evidence of such an ability. We would explain the dog's ersatz behaviour of this kind in terms of instinct or habit.

Our judger needs to be rational. Firstly, he needs to use his reason when deliberating. In practical contexts, for instance, he needs the ability displayed in selecting the appropriate means to a desired end. (This is not to say that he must always succeed in reasoning well.) Some level of this kind of intelligence seems to be found in my dog. At least he acts in ways that suggest the appropriateness of such a description. For instance, he brings me his lead when he wants to go for a walk. This might be thought to be merely a single and repeated strand of rational behaviour. However sometimes he engages in well-judged sequences of actions which cannot be straightforwardly explained by instinct. (At any rate other higher primates, if not a dog, satisfy this requirement.) However the judger, secondly, will need to display theoretical rationality, which allows him to weigh, predict, explain and, most importantly for us, to universalize. When making a moral judgement, sometimes he will need to weigh conflicting needs, or try to calculate the best of alternative ways to achieve a desired state or how to avoid an unwelcome one. And as we shall see, a judgement-maker needs to be capable of reasoning about, and to make complex choices in, a wide range of circumstances.

A judger needs to be self-determining; the possessor of a will. Let it suffice to say here that this consists in controlling his judgements, projects, behaviour, by his own unforced choices. Strictly speaking, I am self-determining when I do what I choose to do, whether my choice is rational or not, (from my own point of view or anybody else's). As long as my movements and behaviour are self-motivated, I can merely pursue my wants and drives without any sense of self-restraint. So self-determination could amount to

nothing more than the condition Durkheim (1961:71) called anomie.[95] It is, nonetheless, correct to say also that a person is self-determining when he judges and acts in accordance with his rational choices. In this sense, we think of the judger as possessing the capacity to rationally choose and then to act in accordance with at least some of his choices. Thus, as a rational agent, he can choose for himself and formulate plans of his own. As a self-determining agent, we have a conception of him (and he needs to think of himself) as an initiator of actions that make a difference to the course of events. These are some of the features we want to pick out by the expression 'self-determining'.

There is a related feature of rational agency that should be mentioned here (although we will discuss it in more detail in Chapter Seven). Our judger must believe that he is an autonomous moral agent. He must think of himself as having the ability to make his own moral judgements and then, by U.R., to derive universalized judgements which he will hold as binding not only on his own conduct but on all other moral agents as well. We will call this ability 'moral autonomy'. This feature of their rationality is one that most clearly distinguishes persons from other animals. For whereas my dog may possess, to some extent, the ability to carry out plans of its own devising, it does not seem plausible to believe that it can formulate rules for directing the conduct of itself and others.

I want to make two points before sketching the next set of psychological needs. The first point concerns moral autonomy. The person who makes a judgement presupposes that he has this capacity even if all claims concerning autonomy are illusory; even if it turns out that we are mistaken in thinking about moral judgement-making in this way. All that we need to recognize is that we do regard ourselves as autonomous when making judgements. In other words, the account is compatible with determinism.[96]

The second point is intended as a reminder, so to speak, of the direction in which we are heading. It may be granted that self-consciousness, rationality and self-determination are psychological needs for a judgement-maker. However it might be observed these are not grounds for the claim that as well as a moral judger, any person needs them.[97] My response to this is that these are not qualities the judger needs specifically in order to judge, they are, rather, psychological states that (consciously or otherwise) we attribute to him when we say that the judger is a person and they are states that he must presuppose about himself. Let me stress this point. When making a moral judgement, the judger needs the ability to employ certain formal requirements, e.g. to universalize in propria persona. This and other conditions he must satisfy qua judgement-maker. On the other hand, as a person he will need to presuppose that he is conscious, that he has a sense of his own continuing identity, that he has the ability to reason and the capacity for self-direction. Whether or not any person needs to presuppose these things is a query which, for the moment, I will leave as a query.

A person who makes moral judgements will have emotional states and feelings towards those things which are the object of his moral concern. What is more, this aspect of his life is just as distinctive and, I will argue, just as important to our idea of him as a person, as his rational capacities. But the two are not incompatible. Emotional states, such as anger, jealousy, resentment, embarrassment, guilt, or more positively, sympathy, love, affection, etc. accompany our judgements.

"A judger may have emotional states", it might be asked, "but does he need them?". To answer this, we should ask our questioner, firstly, "To whom do they apply and for whose benefit are his moral judgements made?". We shall see that he is referring, invariably, to those individuals or groups who are of pre-eminent importance in his emotional economy.

Secondly, and more importantly, we should ask our questioner what an individual would be like who lacks any feeling or emotion whatsoever when he makes moral judgements. If there is such an individual it would be doubtful, I will argue, that we are still talking about a person. The point is, a moral judger is a person, not a machine. He will need to have feelings about the person or situation at which his judgement is directed.

We should notice, in passing, that any particular emotional state that he does have is assessable in terms of its being reasonable or unreasonable. It can be assessed in this way, firstly, because such a state implies a belief about the person, or state-of-affairs, which is being judged. Thus Smith may judge "Jones ought not pay so much attention to my wife" and because he believes that this is so, Smith may well be jealous. However, if their relationship is innocent, Smith's judgement, belief and emotional state, are unreasonable. Secondly, when a person's emotional state is directed at another person, or at any situation, he is often moved to do something about it. Thus Smith may be motivated to act out of jealousy. Later he may judge that such behaviour was quite unreasonable. It would be wrong then to suggest, (as Hume is often taken to suggest[98]), that our emotions are unconnected with reason and exist, as it were, cut off from other features of our mental life.

A person who judges will also have likes and dislikes, pleasures and pains, and, generally speaking, he will try to choose as much of the former and as little of the latter as possible. Again it would be wrong to suggest that his likes and dislikes are unconnected with his rational capacity. We can see this if, as before, we compare a judger's feelings with those of another kind of sentient creature. A dog has likes and dislikes. Like me, my dog likes to go for long walks and dislikes being tormented. However, in many cases my reason will lead me to suffer more than the animal would

in the same circumstances. I am able, for instance, to anticipate the kind of situations that cause suffering, in a way that it seems plausible to believe that the animal cannot.[99] I have greater knowledge of what is happening to me, a more detailed memory, and so on. Thus if we are both dying, say, from cancer, I am likely to suffer more than my dog. On a happier note, I believe also that, like me, my dog enjoys pleasurable experiences. However the more complex feelings that I might experience, say, when listening to a Beethoven Quartet, will have no analogue with the feelings of a dog. There are, of course, many other contexts in which what we take to be the (superior) rational powers of persons makes a difference, both in degree and in kind, to their capacity for pleasure and for suffering. The general point here is that our judger's feelings and his rational capacities do not function separately but co-exist, so to speak, when he judges. As R.S.Downie and E.Telfer (1969:22) note:

> Sentience in the form in which it is characteristic of a person does involve reason

and, we might add, vice versa. Once again the question arises that although the person who judges may seek pleasure and try to avoid suffering, does he need to?

It would be odd to maintain that the fact that something is likely to give rise to a pleasurable feeling could always be a matter of indifference to him. It would rob many of his self-determining judgements of a reason. Indeed it would be difficult to understand what could be meant by self-determination in most contexts unless we include also some account of the pleasure that his chosen activity affords, (or of the suffering that will be avoided). For some of his judgements will be intended to bring about certain states-of-affairs and if there are grounds for preferring one state to another, it will be in virtue of some feature it possesses. And one central feature, though by no means the only feature, is that the chosen state-of-affairs is in some way pleasurable to the judger. Thus

while this is not an invariable motive, our judger needs the prospect of pleasure.

There is one kind of emotion that deserves particular emphasis. Most contexts calling for a moral judgement require the judger to feel concern or sympathy for others. The sympathy required involves, among other things, a conception of what flourishing or harm is for the other person. In some contexts, moreover, the moral judgement demands more than knowing how they ail and of feeling sorry for them. Sometimes the judger is required to go beyond merely showing concern, to action. He needs, as W.Maclagan (1960:211) writes:

> ...the sympathy of practical concern for others as distinguished from simply feeling with them.

And in some cases, the active sympathy that is required is towards someone who is otherwise unknown to the judger. To illustrate this, let us take an extreme example. Seeing a baby whom one does not know, attacked by a savage dog, any person would feel distress. In this way, one would be responding to the needs of the baby: its needs to survive, to avoid serious physical injury. Furthermore, the person witnessing such an event would have also the impulse to do something to save the baby. He would no doubt justify this along the following lines: "I had to do something to save the baby because otherwise it would have been killed". This reason can be explained in terms of the underlying human capacity to show active sympathy for the needs of others.

Again the question arises: even if it is true that most people do have an active sympathy for the needs of another in such extreme cases, what grounds are there for claiming that this is a need(a) or (b) for the judger, or everyone else? To answer this we will consider what an individual would be like who lacks a modicum of sympathy for others, or any other feeling or emotion. If there is such an individual it would be doubtful, I will argue, that we are still talking about a person.

I have three brief points to make before we discuss these claims in more detail. The first concerns a limitation to the analysis which follows. I do not pretend to give a comprehensive account of all of the psychological needs(a) and (b) of persons. We will examine, in some detail, the needs of a person to be a self-determining, for a robust sense of his own identity, for distinctive emotional and affective ties, and some of his other needs implied by those above. These are by no means his only psychological needs; however they are, I believe, some of the more important ones. It should be noted, secondly, that since a person is, so to speak, an integrated whole of different psychological capacities, abilities, drives, etc. the needs that will be identified here are obviously connected and combined with each other. The way in which I have divided them up and categorized them is somewhat arbitrary. Thirdly, since many of the different needs(b) of persons admit of degrees, someone might possess a lot of one sort and less of others, hence we should allow that the dividing line between those individuals who function effectively as persons and those who do not, will be a vague one.

I have claimed, though not in this order, that our idea of a person who makes a moral judgement implies that he will have (i) some level of sympathy for the needs of others; (ii) distinctive feelings and emotional attachments; (iii) a sense of his own identity and individuality; (iv) that he is self-determining and (v) that he is rational. I am suggesting that all persons are relevantly similar in having these psychological needs. Let me try to show that this is so. Beginning with (iv), we will deal with them in reverse order. Along the way, (v) will take care of itself.

2. Self-determination as a need

We want to see if every person needs to be self-determining. If so, he must be able to consider the alternatives open to him and to decide between them, in

accordance with his own unforced choices. In this, he will presuppose that he is witting; capable of deciding for himself what he will choose. He will think of himself, also, as being able to act on some of his choices, sometimes thereby initiating events which will go differently due to his decision to do this rather than that. Is this a need(a) or (b) for every person?

To see what a positive answer to this question might involve, let us consider a fairly straightforward context, namely, when the decision concerns a matter of taste. Our physiology, we have noted, endows us with certain needs. Our capacity to choose prompts us to satisfy these needs in certain ways. Concerning the need for food, for example, certain things can be chosen as satisfying to our taste, e.g. if it is available I can choose whether or not to eat spinach. Any rational agent, we might add, can formulate plans with respect to such choices. He or she can plan for a future choice and act now to satisfy this objective. This is not as complicated as it might sound. I can buy spinach now for a choice of the vegetable at next Sunday's dinner; I can plant spinach in the autumn, to be cropped in the Spring.

However there is more to self-determination, even in this context, than the mere calculation of a single means to a single end. We rarely find ourselves without alternatives from which to choose. Often we find ourselves having to weigh up a number of conflicting ends. To pursue one thing, we must forgo another. So that, even in matters of taste, our final choice is usually based on more than the immediate promptings of our tastes, or preferences. Where conflict exists, we can choose priorities. We can make choices, this is to say, based upon estimates of the varying importance of the alternatives. To continue with our simple example, when the alternatives are available, I can choose to eat spinach rather than cabbage. My decision can be based, for instance, on prudential considerations. I can wish that I

could eat cabbage yet choose not to, knowing that it does not agree with me. I can choose despite the strength of my current desires, as when I choose spinach - even though my desire for cabbage is currently stronger - because my host has grown the spinach especially for me. I can make choices about future desires, some of which are not currently felt as desires at all. I can choose to buy spinach for tomorrow's dinner even though, at the moment, the idea of eating spinach tomorrow leaves me cold.

Of course, self-determining agents have to make choices about far more complex issues than matters of taste. In matters of conduct, for instance, as opposed to habit or blind conformity to custom, the self-determining person will think of himself as being capable of choosing in accordance with his own beliefs, of pursuing his own plans, enterprises, aspirations, in some instances consciously deciding to depart from the prevailing customs and mores.[100] He will think of himself, also, as being able to carry out those decisions. He will think that at least some of his actions make a difference to the course of events. It makes sense for him therefore to plan projects, entertain enterprises. He is able, also, to weigh various objectives; he will be able to distinguish some of his goals as important, others as unimportant. And having goals he will have a sense of achievement and failure.

While it may be granted that self-determination is suggested by the sketch above, what grounds are there for the claim that every person needs to be self-determining? One way we can show this is by considering the type of cases where human beings are **not** thought to be self-determining and, thereby, they are not thought of as persons.

Some human beings are completely incapable of choosing; for instance, a day-old baby, or a so-called human vegetable or someone who is totally senile. What our understanding of the concept 'person' requires is that, while there is no doubt that it is a human being, we do not call the baby a

person. In the development of the normal infant we will see a gradual increase in the sophistication and range of its tastes, beliefs, etc.; there will be evidence of an increasing awareness of its own past and future and an increasing desire and ability to assume control over the course of its life. There is not a specific point in this process at which we think the infant becomes a person. We would say, rather, that gradually it becomes a person. Similar considerations, though as it were in reverse, apply in the case of someone who is senile. Eventually they lose a sense of their own identity, they have no control over their actions, they are incapable of choosing. In these ways they become less of a person, literally, than the rest of us. And in the case of the individual who is grossly retarded or irreparably damaged, there is no doubt that he or she is a human being but this too is a case where we might doubt that the ascription of 'person' applies. One reason for this is that, in all such cases, another person is required to completely determine their choices and actions. This is to suggest, albeit in a negative way, that self-determination is a need for persons.

Various severe psychotic and neurotic states also disqualify someone who is afflicted by one of them as being self-determining and thereby, either completely or in some measure, as being defective as a person. Certain kinds of compulsive behaviour, for instance, are unaffected by anterior decisions. Kleptomaniacs do not choose to steal, indeed they may decide not to, but they steal all the same. Reasons that such a person may acknowledge as relevant and sufficient to make the action wrong, when it comes to it, are ineffective. He is impelled by drives over which he has no control.[101] Psychopaths, too, do not appear to make a certain sort of choice. They seem to be incapable of treating any but the most immediate reasons as relevant to their judgements. As a result, they are incapable of

carrying through any project that requires deferred gratification. As D.Wright (1971:92) notes:

> For him (the psychopath) to want is to take. If others get in the way it is their misfortune if they get hurt, and the psychopath feels no pain or remorse. His emotional life is barren... He is egocentric, both in the Piagetian sense of being unable to conceive other points of view than his own, and also in the more general sense of being selfish and self-centred.

It is inappropriate to talk of 'the psychopath's choice'. He does not choose but, rather, is subject to his inner compulsions. We could mention here also the paranoid individual whose defect is a belief structure some aspects of which are quite divorced from reality. He allows no evidence to set aside his strange belief that everyone is against him. He does not choose to impugn their goodwill. For he is unable to take account of evidence that upsets this odd belief. He, too, is in some sense driven.[102] A person suffering from a radical psychological disorder like schizophrenia also lacks the consciousness of himself as the originator of choices.[103]

The claim that self-determination is a need for persons is further justified when we consider the quite different context where an individual is disqualified as a chooser because his responses are made according to a programme implanted by someone else. Subjects acting under hypnosis, or who are brainwashed, or who are unable to contemplate disobeying a political or religious authority, are examples of this sort. In such cases, the individual's normal function as a chooser, now defective, has been impaired by someone else. Consider, for instance, the case of brain-washing. The most obvious examples of this are the descriptions of political systems in novels (e.g. Brave New World, 1984), which depend upon the systematic indoctri-nation of the citizenry. When it is complete, we would question the ascription of personhood to the victim(s). Systematic political indoctrination, of course, is not restricted merely to the political systems of fiction.

Where the indoctrination is complete, or to the extent that this prevents purposive action, the victims are undermined as persons.[104]

This latter situation can occur, also, in the guise of kindness. For example, if a person is injured mentally or physically, there is often the tendency to help him too much. To the degree and to the extent that this is done we could be destroying them as persons. As R.S Downie and E.Telfer (op cit:21) note:

> ...it is often easier to do something for (invalids) than to wait patiently and encourage while they do it for themselves...this may well be a subtle way of eroding an individual's nature as a person.

In a similar way, it is often easier to tell children what to choose, to do, or to think. Particularly if, as E. Fromm (1942) observes, children feel insecurity and unhappiness as a result of increasing freedom. Where a child is so controlled, the parent or teacher is undermining the child's prospects as a person.

Finally, there are other ways in which a human being may fail to be self-determining. He may simply refuse to make his own judgements. He may let himself be completely dominated by others or by some other thing. He may depend unduly on others for encouragement or for reassurance to overcome anxieties or fears. Or the failure might be due to a craving for drink, which is so strong that it dictates most of the individual's actions, e.g. how he spends his time and his money; or it might a consuming passion for gambling, or jealousy or some other obsession. Again, where this occurs he is undermined as a person. These remarks are, perhaps, still only suggestive. They suggest, I hope, that a person needs to be self-determining.

We can understand the latter claim, we said, in one of two ways. Firstly, to function at all as a person, a human being needs(a) some degree of self-determination. The argument in support of this claim is both conceptual and empirical. It is a claim about the application of the

concept 'person'. In everyday discourse, (the sort of discourse in which our moral judgements occur), we regard the total absence of agency as a failure to function as a person. In other words, we think that a necessary condition for an individual being a person is that he is at least on some occasion aware of the alternatives open to him and is able to choose between them.

I do not want to suggest by the above, that the concept of 'person' we ordinarily employ is a matter of social convention, and even less, that it is a matter of courtesy.[105] I am claiming that in the extreme cases where there is no evidence whatsoever of self-determination, while there is no doubt that the individual in question is a human being, we would say that the concept 'person' does not apply. (If, in the future, self-determination is found to be unnecessary to the functioning of a person, we should have altered our concept.)

What concept of 'a person' would someone have who denied this point? Let us suppose that due to accident or disease, a middle-aged person becomes a middle-aged irreversible tabula rasa. Surely his mental states would no longer be correctly described by predicates that apply to persons but, rather, they would be described by those which apply to tabulae rasae. We may say, for instance, that the latter have desires which prompt them to behave in certain ways but it is more usual to refer to this kind of behaviour as a fixed instinct, rather than as an ersatz kind of deliberation and choice. Thus the individual above could be said to want food yet it would not make sense to speak of his ever wanting to do anything about acquiring it; he could be said to have life-threatening or painful experiences but, even though he might avoid them, he could never be said to choose to do so, and so on. Would my opponent want to say that such an adult human being, to whom no intentional predicates - like wanting, preferring, choosing - ever genuinely apply, is nonetheless a person? Without self-

determination and similar functional predicates, I maintain, the term 'person' would be about as useful as the term 'thing', or even worse, it would be vacuous.

The claim that a person needs(a) some degree of self-determination is perhaps stronger when it is regarded as an empirical claim. The evidence above, (in support of the claim that a person needs to be self-determining), consisted mainly of human beings who lack the capacity entirely. At the same time, the evidence cited points to at least one fairly central psychological generalization which we use to describe, explain and predict the behaviour of persons. The psychological generalization here belongs to what P.Kitcher (1979:545) calls 'common sense psychology'. According to the latter, when we say that Smith and Jones are persons, we mean that they belong to a class of individuals who share certain fixed psychological capacities, one of which is self-determination. Like generalizations in the natural sciences, this psychological generalization is universal, projectible from its instances, capable of supporting counterfactuals, and provides a standard method of explaining and predicting a certain type of behaviour.

Regarded as a need(a), there is no merit in a person's being self-determining. It takes on a moral dimension only when the relevant description occurs as a need-reason in moral judgements. And this usually happens when someone's need(a) is violated, or in cases where it is required to yield to other needs. (For I am arguing that self-determination is one need(a) among many.)

The second way in which we might understand the claim that a person needs to be self-determining, is as a need(b). The exercise of this capacity is not invariable; we can be self-determining in varying degrees, so to speak.[106] Like muscular powers, moreover, we appear to regard this capacity as improved by being used. For it seems that a person who exercises it develops certain powers and abilities, e.g. in discriminative feeling, preference and judgement. Are we

able to say when someone uses these powers and abilities to this extent he flourishes as a person? Can we say that the less self-determining anyone is, or is allowed to be, the more he ails? Are we able to say that his being self-determining is part of our commonsense belief concerning what it is for a person to flourish?

In our everyday lives, we do believe that individuals need(b) to exercise this capacity. Even where such independence seems to give rise to anxiety and unhappiness we feel that such anxieties should be overcome rather than decrease the person's independence. For instance, The Plowden Report (1967) confidently asserts that teachers and parents must 'force independence' in children, and for good reasons. To the extent that an adult's capacity for self-determination is underdeveloped, their judgements and actions are likely to be governed by unconscious motives and compensations, their projects are likely to be frustrated, their lives more likely to be empty and dominated by the judgements of others. In ways like this, our ordinary intuition seems to be that to the extent that they are not self-determining, they ail as persons.

This is not to say, of course, that they will be happy when they are self-determining. Sometimes the straightest route to happiness may be by forfeiting or constraining one's self-determination. This suggests that self-determination is one need(b) and that happiness is another, and that one can't always have them both.

In everyday life we think that when a person is able to decide for himself what he is going to do - in the sense of his being able to make choices among alternative hypotheses, policies, actions - the more likely he is to flourish. A man who has a job turning a screw on an assembly line or a job spent shovelling coal may not see things in this way; but then, of course, his whole life is not spent on the assembly line or at the coal-face. He will at least have to make choices, (and act upon some of them), concerning some

of the inevitable features of life, e.g. whether or not to have a sexual relationship, to marry, to have children, a family life, and so on. He will make choices concerning the groups with whom he affiliates, socially, politically and so forth. And he will make an enormous number of choices concerning the more mundane aspects of life; perhaps even the choice, poor fish, between spinach or cabbage for dinner.

We should note, however, that to be self-determining is different from want-satisfaction, which may be brought about without self-determination. If Smith desires nothing more than to have all of his wants satisfied and believes that Jones knows best how to arrange this state-of-affairs, Smith might put himself under Jones' control obeying every piece of advice that Jones gives him. Smith may well receive abundant satisfaction, having found an effective way of getting all of the particular things he wants. But he is no longer self-determining. In contrast, his self-determination may lead to the frustration of the things Smith most wants, e.g. a happy marriage, doting children, etc. Yet we think that the individual needs to be able to choose for himself in such matters. Where there is little or no evidence of self-determination, a human being is held to ail or be in some measure defective as a person.

The importance we attach to this capacity is reflected in some of our usual value attitudes. One of these is 'self-respect'. Let us suppose that his self-determination leads Smith to make many dangerous and foolish mistakes so that he decides not to exercise the capacity again. He puts himself irrevocably under Jones' guidance. There is a common presumption that such a decision would be morally wrong. Whatever the harmful consequences, we would say "Smith ought not to obey every piece of advice that Jones gives him". For we believe that a person needs(b) self-determination and that to forgo it in the way Smith proposes shows a lack of self-respect.

The connection between self-determination and self-respect can be seen, also, in such commonplace attitudes as the pride we naturally take in our self-determined accomplishments or the indignation and resentment we feel when we believe that we are being manipulated by others or when, in some other way, we think that our self-determination is being interfered with. We would normally say something like "You are interfering with my project and you ought not to do so". Such resentment, as a defensive reaction to interference from others, is also an expression of self-respect.

The need(b) to be self-determining, I am suggesting, is an explanation of our moral approval of self-respect. Perhaps this can be seen more clearly in our firm disapproval of cases where self-respect is absent. Someone who refuses to make his own judgements, who allows others to 'push him around', or who is motivationally dependent on others, (or who is addicted to alcohol, gambling, or who has a consuming jealousy, etc.), is accused of lacking 'self-respect', 'being too dependent on others', 'of not knowing his own mind'. On the other hand, a person shows self-respect when he attempts to be independent of others in his judgements and his actions; when he is, so to speak, his own master. Self-respect, in this context, we identify with traits of character like 'self-reliance', 'standing on one's own feet', 'knowing what one wants', 'being able to decide for oneself'.

We can identify the need(b), also, as a source of another everyday value, namely 'respect for other persons'. To respect other persons we are not required to like them, or to want to spend time in their company, or to value their projects, respect their intelligence, etc. Rather, like them or not, to respect them is to recognize their need to be self-determining and to accept the constraint against interfering with them or their projects. We can accord them

respect, in this sense, while thinking that society would be better off if they had not existed.

'Disrespect', on the other hand, can be seen in the attempt of one person to be overbearing, or to dominate another. It can be seen in one's lack of concern for, or sometimes, bloody-mindedness towards their projects. At its most extreme, it can mean trampling on their projects or treating the other person as a mere impediment, or as an instrument for one's own ends. This sort of behaviour, at rock-bottom, is to disregard their need(b) to be self-determining. (There is, of course, more to 'respect for other persons' than this; but 'not interfering in their projects' is part of what is involved.) Needless to say we disapprove of such disrespect.

Clearly, then, many of our moral attitudes can be traced to the need(b) for self-determination. And there can be no question that there is a prima facie moral presumption in its favour. However I do not want to suggest that the more self-determining he is, the more a person is what he morally ought to be.[107] To regard self-determination as a form of flourishing commits us to nothing more, for instance, than a conception of a person as a rational self-interested chooser. Moreover while, as a matter of fact, we usually regard self-determination as a moral good, there is no necessity that we should, or that it is. It is clear that we are not prepared to let people decide that they ought to do whatever they like, in the name of self-determination. Prohibitions on murder, causing another person physical or mental torture, we normally would say override the agent's need(b) to be self-determining. Furthermore, disputes that we have concerning matters like abortion, censorship, civil disobedience, are often about whether the need(b) for self-determination should be given more weight than other need-reasons in that particular context. The usual disputes about abortion, for instance, are not about whether or not a woman should be self-determining in matters concerning

what happens to her body. They are about whether or not there are other need-reasons, like the survival of the foetus, which override the woman's self-determination.

The point is that there is a presumption in favour of moral claims based on the need(b) for self-determination. 'Because it is her unfettered decision' is a prima facie good reason for the Catholic housewife's judgement that she ought not practice contraception. Similarly, if we judge that 'Smith ought not to obey every piece of advice that Jones gives him' then 'because a person needs(b) to be self-determining' is a prima facie good reason for judging so; if it is correct to say 'You are interfering with my project' then the underlying need-reason for self-determination is a prima facie good reason for the judgement 'You morally ought not to behave in this manner'.[108]

I hope I have said enough to show why I claim that the concept of 'a person' requires that the individual to which it is correctly ascribed has some degree of self-determination. We regard the total absence of agency as a failure to function as a person. Also we have a normative image of ourselves, so to speak, as flourishing as persons and this image includes effective self-determination. We regard the decline of this power as an ailing or deficiency. In moral contexts, this can be seen, for instance, in the guilt we feel if we are not self-determining in matters which require a moral judgement, or the moral disapproval we feel if our actions are contrary to our self-determined judgements. (We will see what happens when these claims are contested when we return to this discussion in Chapter Seven.)

Part of the concept of a person and of our normative image of ourselves is of being self-determining agents. There are other capacities, states, drives, which are equally non-controversial. One of these, we noted, is that a person needs to have a sense of his or her own identity. Let us turn to the need(a) for self-identity.

3. The need for self-identity

The person who makes a moral judgement, I said, needs(a) a sense of his own identity. What does this involve? He needs to regard his judgements, to experience his actions, as the judgements and actions of a unique and coherent self. Put differently, a judger needs an idea of himself as a person existing in his own right, with a certain history, with a life of his own, and with ideas and goals of his own. For this sense of identity to be possible, I want to show that fairly central among his other psychological needs will be the needs for self-knowledge, for self-realization, for unity or coherence in his life, and a need for relationships with other persons. Let us examine these.

To have a sense of his own identity, (to say nothing of his ability to be self-determining), a moral judger needs **self-knowledge.**[109] He needs the capacity to be aware of what he is doing, when he is doing it, and that he is doing it. If he is to be morally responsible for his judgements and actions he must be capable of acknowledging them as his own.

The judger's need for self-knowledge is evident particularly when he attempts to universalize *in propria persona*. The better he knows himself, his beliefs, his motives, his expectations, the typical reactions of others to him, and so on, the better the possibility of his bringing his thoughts and actions under conscious control. We can see this last point better, perhaps, if we consider the other side of the coin. To the extent that he does not know his own tastes, preferences, beliefs, wishes intentions, values, ideals, or what kind of things make him happy, excited, annoyed, jealous, hurt, worried, frightened, the judger lacks a sense of his identity. His singular judgement will be uncertain, he will lack beliefs about what he would accept in counterfactual and hypothetical states-of-affairs and *a fortiori* he will lack the capacity to universalize *in propria persona*.

While it might be admitted that a moral judgement-maker needs such an idea of his own identity, why should it be a need(a) for **every** person? Can we say that we would not think of an individual as a person if he lacked this awareness completely?

We noted earlier an intuitive basis for criticizing the view that the concepts of 'a human being' and 'a person' are one and the same.[110] Very young babies, human beings in a senile coma, who suffer from a radical mental deficiency, or seriously injured human beings who have lapsed into a more or less vegetable condition, are not normally regarded as persons. It is conceivable, for instance, that there could be a human being who remained in a coma from birth to death, taking nourishment, digesting it and performing the other bodily functions required for its survival. Ex hypothesi such an individual would never be conscious; yet it would be a human being in all of its bodily respects. To identify this human being as a person would be to identify persons by the simplest kind of marks, i.e. a certain range of shape, size, or, perhaps, as P.Singer (1979:74) suggests:

> ...by an examination of the nature of the chromosomes in the cells...

We may contrast this poor soul with an individual who does have an occasional mental state, who is sometimes conscious of things, but is totally unaware that he is conscious of them. (Notice that if this latter condition were to be adopted as the criterion for being a person, there are human beings who are not persons viz. the individual who is never conscious.) Would a human being who lived his whole life never once being aware of any of his conscious states be 'a person'? It is not at all clear that he would. For it would mean, pace Strawson (1959:102), that something could be a person yet it would be inadmissible to ascribe mental predicates to them.[111] If a person could be totally unaware of any of his own mental states, we could not meaningfully assign mental states to him. As A.Quinton (1968:393) points out:

> We can ascribe mental states to a being that is not aware of them only if there are some mental states of which they are aware.

More importantly, it would mean also, pace Kant (1781:94-95), that a person need never once think of himself as something ontologically different to the objects he is experiencing.[112] Without some sense of his own conscious states, he would lack a sense of his own separate identity, and without the latter, how could a distinction between the self and external objects be made? On these grounds, let it suffice for us to assume that a person has to be aware of at least some of his own conscious states. This commits us to the view that, at least in a limited degree, a person needs(a) to be aware of his own identity.

To be aware of one's identity, of course, is not to be aware of a new object, any more than learning that one sees adds special visibilia to one's perceptual field. It is rather the ability to refer to oneself; or, for instance, to recognize that I am the thing to which others refer when they refer to me. This is not so much a matter of mastering a special vocabulary as of mastering a referential system through which the vocabulary is applied to the world.

This criterion - viz. a person is someone who needs(a) a conception of his or her own identity - is in practice a criterion we actually use in everyday contexts (as well as having the weight of conceptual reasons behind it). Ordinarily we think that a person needs(a) to be aware of himself as an active subject. He needs the ability to be aware of his own thoughts, intentions, feelings, and his own memories or continuing identity. We expect a person who has the linguistic ability, for instance, to use the first person pronoun to recall his own past history. Further, what makes a person hold himself accountable for his actions is, in part anyway, his ability to recognize them as his own. He needs the ability to remember (though not necessarily the memory) that he performed an action F.

To see this, consider an individual who is unable to distinguish himself and his past actions from other persons and theirs; who is, for example, unable to remember 'who he is' or anything about himself. If he genuinely lacks all self-knowledge, (apart, perhaps, from the awareness of his amnesia), he can hardly hold himself responsible for F. He cannot accept the praise, or shoulder the blame for F, or any of his past actions, character traits, etc. This is not to say that others would free him from responsibility for having F'd. They hold him responsible, presumably, because they believe that he knew what he was doing at the time. It is a common philosophical (and legal) notion that awareness of this sort is a pre-condition of actions for which we hold a person responsible. This is to say, a person needs to know - or can be reasonably presumed to know - what he is doing and the reasons for his having chosen to act so. If he didn't then, ceteris paribus, he is not responsible. It is agents, with knowledge of this sort, executing their own purposes, whom we regard as persons.[113]

There is another reason why we should adopt the notion of a person as someone who needs(a) some conception of his own continuing identity and who needs(b) a robust sense of his own identity. It helps to explain why our personal relationships, why a sense of cohesion or unity in our lives and, in particular, why **self-realization** have a special interest for us. Let us consider the latter.

It is often suggested that one's sense of identity depends importantly upon the development of one's potentialities or talents.[114] For most of us, this aspect of our psychological development appears to become rooted in late childhood when we choose to undertake tasks which we find challenging and in which there is some probability of success. A young person has an aptitude for acting and he is told to develop this aptitude, (to 'actualise this potentiality'), which he has and many others have not. Thus he is encouraged to realize his potential for becoming an

actor, artist, author, or whatever. By realizing his potential, it appears he is, in a metaphorical sense, realizing 'himself'.

Can we say that any person needs(b) to develop in this way to flourish? There are reasons for thinking that this is not so. In the first place, in the absence of any further argument, the usual potentialities picked out as meriting development, are value-ladened and disputable. What we have in mind, usually, is the development of only certain potentialities or talents. As R.S.Peters (1966:56) says:

> The self-realization (then) of the individual is limited to the development of the self in activities and modes of conduct that are regarded as desirable.

The assumption is that certain kinds of potentialities, rather than others, should be developed, namely those appropriate to some useful or socially approved objective. Rather than aspiring to play the part of Hamlet, however, why shouldn't someone with a skill for acting, realize this potential, not in the theatre, but as a confidence trickster? Why shouldn't a person with a skill at painting just as much develop this talent by regularly painting his house different colours? Why shouldn't someone with a writing talent develop it by writing lascivious graffiti everywhere? And by developing our character traits for pig-headedness, aggression, cruelty, or asininity, we would all appear to be just as much 'realizing our potentialities'. The point is that there do not appear to be grounds for saying that certain potentialities qualify as value-neutral reasons in moral judgements.

We might attempt to meet this difficulty by taking seriously Aristotle's suggestion that we can develop our distinctively human potentiality. For Aristotle, of course, this is rationality. The <u>per genus et differentiam</u> of human beings is their ability to reason; to think, to form true beliefs, to make judgements. The development of the capacity to reason seems to be promising as a candidate for

a need(a). It appears to be non-volitional and, at the same time, to give universal content to the notion of self-realization.

We have established that rationality of some sort is a need for a moral judger. If what I have argued is correct, he will be unable to accept inconsistencies, confused or incoherent arguments; particularities of time, place and identity will be irrelevant in his determination of what is a relevant moral judgement. He will not settle what is at issue by an appeal to an authority or to a set of customary social practices, rather than by an appeal to rational considerations. In these, and other ways, the moral judger cannot avoid being rational. And since, as we shall see, he can exercise rationality in his judgements in varying degrees this implies that the more rational the judger is, the more he is realizing his ability qua judger.

Does all of this apply to any person? We will not dispute, as an empirical fact, that persons want to be rational. Aristotle gives us a good reason for claiming this. He writes (1953:292-293)

> ...nobody would choose to pass through life with the mental outlook of a child, even if he continued to take unlimited pleasure in the things that children like.

We will not dispute either the fact that only person's can be rational in the senses described. It is logically possible, we are told, for non-human beings to possess such a rational ability.[115] But, as a matter of fact, we know only that persons can reason in the ways described. As A.Quinton (1976:19) writes:

> ...the only animals we know of, rather than think about, that are rational are human beings.

The question is: does a person need(a) to be rational?

The answer is, surely, that since ex hypothesi any person needs to be a self-determining chooser - and he is not really a person unless he is - any person needs(a) some level of rational competence. He needs, on some occasions at least, to use his reason to determine what he is going to

do; although, as I have said, this does not mean that he must reason well. Moreover this ability is not to be found in the new-born, the senile, or in any of the types of human non-persons discussed in the previous section. Finally, as we shall see, the case here is incontestable when we consider the universalized form of the judgement where this need is denied, (see pp.337-342 ahead).

Does a person need(b) to be rational. We have seen that practical rationality is one of the capacities he will need(b) to develop to be self-determining chooser. He will need the ability to identify something as relevant to the satisfaction of some want or need that he has; the ability to select or to discover possible solutions to a problem, the ability to think through alternatives in terms of what it is feasible for him to do, and so on. He will need(b) to be rational in this sense, if he is to be a self-determining chooser.

Does the fact that a person can exercise this ability in varying degrees imply that the more rational he is the more he is realizing his potential as a person? Once again an affirmative answer here would not imply that merely to develop our reason is all there is to our flourishing as persons. There is no inconsistency in taking 'too rational' to be an unfavourable description of a person. Consider again the case of Brentano who, on Phillips' and Mounce's account, appears to have become so immersed in his studies that he has lost a grasp of his more mundane needs. And sometimes to acknowledge that a person is too rational suggests that he lacks other sensibilities, such as those of sympathy and affection. Self-realization, then, in the general sense in which this might apply to every person, appears to require more than a developed rational ability.[116] However this is not to deny that developing one's rationality is one of the ways in which an individual can develop as a person. Reason is just one of the many capacities we need(b) to develop. Otherwise the term 'self-

realization' does not tell us what these capacities are. It does suggest, nonetheless, that in order to flourish as persons we need(b) to realize some of them and a substantial set of them at that.

Before we leave the discussion of self-realization, I want to draw attention briefly to some of the implications of this need in other fields. Firstly, to function in this way at all, a person will need(a) to obtain at least some basic forms of knowledge and skills. For instance, he will need to learn a language, (his mother-tongue). To do this, he will need some level of social training. Language is learned socially. And in learning it, one acquires not merely a set of words, but a set of concepts and ideas which are built into the language itself. Such concepts are not something that the learner can take or leave as he wishes. He needs them (viz. an important subset of the ideas and concepts provided by the language) to apprehend himself and the world about him. He needs(a) the ability to use the language to exist as a rational, self-determining individual, as well as an instrument for self-expression, to get others to do things, to enjoy conversation with them, and so on.

The precise nature of the many other skills and bodies of knowledge that he will need to be taught and to understand will vary from society to society. Nevertheless, as P.Hirst & R.S.Peters (1970:56) write:

> ...in any culture... there is a certain level of minimum functioning that is expected of anyone ...if he is to be viable...

The common minimal factor will be the skills and knowledge necessary to function in the society in question. For example, in most societies in the twentieth century, a person needs to be able to read. He needs to read because in many ways, in the modern world, life is much more difficult and an individual ails if he cannot. Whereas in societies in the past, literacy might be said to have been an unnecessary skill. Nevertheless there will have been, in

that society, a basic knowledge and skills that were needs(b) for any individual to operate purposively, in order for him to begin to develop his talents, or to have a sense of his own identity.

Can there be any doubt that to the extent that a person lacks this basic knowledge, or where such skills are undeveloped, he will fail to function effectively? Suppose per absurdum that somebody said "I do not think I need skills and knowledge of this kind". He could not really believe this. For to intelligently question the need, he has to presuppose it. He needs at least to have learned a language and to have a modicum of rationality.

My second point concerns the status of **work**. It is commonly argued that self-realization (and thereby an individual's sense of his identity), hinges upon the work which they do. There are plenty of reasons for this. Firstly, the work that we do plays a crucial role in shaping our idea of who we are. We identify who and what another person is, in terms of their work. This is because, as R.Norman (1983:178) writes, it is

> ...the most clearly public aspect of their lives. It is their work above all that defines them in the eyes of others...

This throws some light on the sense of rejection and loss of identity that accompanies an extended period of unemployment. It suggests also that the opportunity for meaningful work is a commonly felt need. This is not to deny that there are many for whom work is an unavoidable drudgery.[117] In such cases, if he finds his work soul-destroying, the worker might be said to be alienated from a sense of his own identity. Secondly, the work which he does takes up a great deal of time. No doubt this is another reason why the work that we do plays a crucial role in shaping our idea of who we are. Thirdly, whereas most of the other activities that people engage in, they do so largely as a result of choice, work is something that nearly all of us have to do to maintain ourselves and our

dependants. Most adult people, this is to say, cannot avoid the fact of work. These are some grounds for thinking that, for most people, their work is crucial to their idea of themselves as persons. It suggests also why most people, in Western culture, do regard work as a need.

A variant of this view is fully elaborated, of course, by K.Marx. (I do not want to go into Marx's account in any detail but simply to take it up in terms of the point about self-identity.) Marx (1844:141) writes that work

> ...must not be considered simply as being the production (of things)...Rather it is a definite form of activity of (these) individuals, a definite form of expressing their life, a definite mode of life on their part. As individuals express their lives, so they are. What they are, therefore coincides with their production, both with **what** they produce and with **how** they produce it.

The way in which he produces the things that he needs, Marx thought, gives the individual a sense of his own identity, recognized and confirmed by others. Is the work that they do, then, a need(a) or (b) for persons?

We have to be cautious here. From the passage above and similar passages,[118] we might think that Marx regarded one's daily labour (or job) to be what we are calling a non-volitional need(a). However it could be argued that the importance of the relationship between work and self-identity is historically relative. Whilst at present work plays an important part in the life of most adults, in the future it seems reasonable to claim that they will devote less of their time to it. Certainly it is a commonplace belief that in the Western world, we can look forward to an increasingly shorter working day, a sharp decrease in the years that individuals spend at work and, perhaps, to a time when few if any individuals will need to work at all. In due course, automation will free human beings from the drudgery of daily labour. This is to suggest that the importance given to a job of work is historically variable.

One dark cloud hanging over this sunny picture is the predicted consequences of the Third World population

explosion referred to earlier. With an increasing world population, it seems equally plausible to claim that to satisfy the most basic needs will require not a diminution but an increase in work, i.e. an increase in medical, educational, housing and transport facilities, the cultivation of even more marginal resources, and so on. Like everyone else, I am unsure of the facts here.

Whatever the facts are, the point cannot be denied that our bodily needs will always be firmly embedded as needs. If human life is to survive in the future then they we will need to produce food, provide shelter, warmth, etc., in some form or another. Production for the means of subsistence is not an historical variable. In other words, having a job or occupation is not something without which an individual could not function; it is not a need(a). Neither is it something he needs(b) to function effectively in every society (even if he does so in modern societies).[119] On the other hand, the means for providing food, shelter, and the other things we need to survive, is a need(a). It is this sense in which work functions as a need. Let us now consider another fairly central need we have, that is related to self-identity.

Persons need a sense of unity in their lives, or an overall shape to them. As M.Midgley (1979:303) says:

> ...(they need) a continuous central life that lasts through genuine, but passing, changes of mood...

Even if an individual were to adopt a policy of constant change in their lifestyle, like Don Juan, he would still have a sense of unity to his life. In the case of most ordinary mortals it may be that the need for unity is met by involvement in one's work, or in a commitment to a religious or political movement, or the unity in one's life may be found in one's family relationships, or other kinds of relationships with people, (or a combination of any of these things). Whatever it is, to have a flourishing sense of our own identity, we seem to need this unifying element. Can we

say that the requirement here is something we need(a) or (b)?

We might support the claim that it is a need(b) by observing how people are devastated if the overall shape to their lives, whatever it happens to be, breaks down. According to A.MacIntyre, this can lead to a breakdown in person's concept of selfhood. He writes (1981:202)

> When someone complains - as do some of those who attempt or commit suicide - that his or her life is meaningless, he or she is often and perhaps characteristically complaining that the narrative of their life has become unintelligible to them, that it lacks any point, any movement towards a climax or telos. Hence the point of doing any one thing rather than another at crucial junctures in their lives seems to such a person to have been lost.

In such cases, if suicide was invariable, we would say that a person needs(a) to give his life a sense of unity, (or what MacIntyre calls 'a narrative'). For without it, he could not function. However, of course, if and when the narrative of our lives breaks down, many of us do continue to function.

Nevertheless there seems to be more to the matter than this. There is no doubt that people are devastated when something they really care about, a marriage, a long-term enterprise or whatever, breaks down or is thwarted. Now suppose that somebody, perhaps under the influence of Jaspers' philosophy,[120] said: "I do know what it is like when the thing that one has built one's life around collapses but I do not think that I was harmed as a result". I must emphasize that the imagined situation must concern something that he really cares about, which then breaks down, is thwarted or fails him. Then to say 'he need not ail' does seem logically odd; for it suggests that a thing he really cared about, he did not really care about. Of course, he might add "My suffering was short-lived. I am now remarried, I have a new career, a new faith. I was not really harmed on balance". I have two small points to make here. Firstly, when he is undergoing the particular

experience, he must regard the breakdown as an ailing condition. Secondly, to say that he is remarried, or whatever, does not rebut the claim that, like any person, he has a need(b) for unity in his life; on the contrary, it strengthens it. If an individual is not 'harmed on balance' this is because he has a different, perhaps new, narrative to his life.

Our brief account of the psychological needs associated with self-identity is incomplete resting simply on those above. If we left things like this, the theory that would result would be an unduly self-reliant view of persons. I have over-emphasized the extent to which persons are the authors of their own lives. A person is a social animal as well as an individual, or, more precisely, he or she is a social individual. For whatever reasons - human vulnerability, scarce resources, limited strength, intelligence, energy, skill, etc. - family and social life exist and within them other personal needs arise and are met. Let us consider a few of these needs; those which relate to an individual's sense of self-identity. (We will discuss some of the values associated with self-identity at the end of the next section.)

4. The need for personal relationships

One precondition for an individual having a sense of his own identity is that of being recognized by others. We need relationships with other persons. At the very least, we need them to respond to us. We need them to recognize us as someone whose utterances, judgements, actions, make a difference. In other words, an individual's consciousness of himself depends, in part, upon his identity being confirmed by others. It is, in part, due to their responses to me - not necessarily supportive responses but at least responses which show that they recognize me as an individual - that I have a grasp of myself as a person.

A closely linked emotional condition to the one above is that of **belonging** or of being accepted by others. About this condition, E.Fromm (1955:30) says:

> This need is behind all phenomena which constitute the whole gamut of intimate human relations, of all passions which are called love in the broadest sense of the word...[121]

We need social ties. We need to feel that we have a place in a certain group, like a family, or in a society as a whole. We need to relate to others within the group, to share at least some of our experiences with them, to do things with them, to have some level of intimacy or some degree of commitment to them. As M.Midgley (1983:94) colourfully says, we need to

> ...strike roots in each other's being.

Obviously there is great variety between one person and another in the degree to which they need to be recognized or to belong. Some individuals desire fame while others prefer obscurity; some are affectionate and gregarious, others prefer cooler relationships with their acquaintances. However none of these differences disturb the basic similarity of our needs. One can retreat from society of course, but the withdrawal can only be partial. Those that choose to become hermits, at some stage of their lives emotionally needed to belong. They needed this in infancy to become acquainted with the social ties which they later reject. (If there could be Mowglis or feral infants, which I doubt, these represent borderline cases; we do not know what to say about them qua persons.) Presumably a hermit will read books, light his dwelling with an oil lamp etc. and depend on other persons for various kinds of support. His withdrawal can only be partial. If he were totally independent of others my guess is that, sooner or later, he would sink into a purely animal level of existence. For as Aristotle (1962:28) writes:

> He who by his nature...has no city, no state, is...either sub-human or superhuman...

Claims for needs of this sort are frequently criticized. The most common criticism is that by calling such things as recognition and belonging 'needs' we are trading on the association with biological needs, which are universal and non-volitional. Such emotional attachments are not needs, it is argued, but universally felt wants. Objecting to E.Fromm's notion of relatedness, for instance, P.Springborg (1981:151-152) observes that

> If the requirements of relatedness...were really 'needs', man would show a greater propensity to satisfy them...

What is at issue is not whether persons generally want to relate to others, which Springborg would admit, but whether or not relatedness - and, presumably, she would add recognition and belonging - are needs. Just how exactly are they to be established as needs(a) or (b)?[122]

Fromm claims that relatedness is a need since it and similar conditions are necessary for mental health. Of such needs, Fromm (op cit:81) writes:

> ...(they) are inherent in (human) nature. They are also dynamic factors in the historical process which, if frustrated, tend to arouse psychic reactions...

This claim has considerable plausibility. Consider first the need for at least some recognition. Some of the pathological states described at the outset of this chapter can be correlated with the individual's deranged sense of identity, due to a lack of recognition in early childhood. R.Peck and R.Havinghurst (1960:109-11) argue, for instance, that psychopaths, who live on their impulses and for whom the future has little reality, are usually the products of a childhood in which their family was rejecting towards them. R.D.Laing (1965:39) purports to show that where a person's actions and utterances are constantly ignored, particularly within the family, it can produce in the individual a loss of any coherent sense of 'who he is'. This usually results in a mental breakdown. D.Wright

suggests that a schizoid temperament results from a lack of belonging in childhood. Wright (1971:210) says:

> All the evidence we have (for so-called schizoid temperament) indicates the prevalence in childhood in which close affectionate ties with parents or peers were absent.

Conditions like those mentioned, if they are serious enough, prevent a person doing anything planned or purposive. Someone who is suffering from, say, a loss of his own identity, has not chosen an eccentric way of life. He is prevented from choosing anything. Mental suffering of this sort, in other words, can prevent someone functioning as a person. There seem to be good empirical grounds for claiming that recognition is a need(a) for persons.[123]

There are empirical grounds also for thinking that suffering of this sort can be an impediment to the flourishing of a person. No doubt some children who grow up without much family recognition, do not break down mentally. Even so, the evidence shows that if they do not have an adequate amount of it in infancy they will become stunted as persons in adult life. According to R.S.Peters (1959:144)

> They will be unreliable, incapable of forming lasting attachments, distractible, incapable of being absorbed in anything for long, and so on.

If Peters is correct,[124] then an infant has a need(b) for recognition. He will ail as an adult, unless this need is satisfied.

Similarly, empirical support is lent to the claim that people need(b) to feel the sense of belonging, by observing the effects on individuals where this need is not met; i.e. their feeling of isolation and loneliness. People, very often elderly people, who are neglected by their family and neighbours, suffer severely from depression; many people living alone in high-rise flats experience extreme despondency; in a prison, solitary confinement is considered to be the most severe form of punishment. Such examples suggest, pace Springborg, that feelings of isolation and loneliness do not cause just the limited unhappiness of a

frustrated want. Unsatisfied, the need to relate to others or for some form of human contact, cannot always be compensated by satisfying the lonely person's wants for other things, or even by meeting their other needs. For loneliness and feelings of isolation interfere in a broader way with the person's ability to cope with life. This suggests that we need(b) some level of human contact.

It seems to be empirically true, also, that if we did not feel that we belong, to some extent and in some social relationships, we would never be delivered from fear or suspicion of others. And we need(b) to get by without being crippled by fear or suspicion. We need to be able to rely upon or trust those with whom we have relationships, (particularly when we are young). In our dealings with them, we need to believe that most of the time they can be relied upon, that normally they are honest, that they do what they say they will do. A great deal of our adult lives, (friendship, employment, marriage, parenthood), is conducted upon the basis of such trust.[125]

The examples above are fairly clearly empirical, based (hopefully) upon observations. For instance, Fromm claims that the need for relatedness - like his other existential needs[126] - replaces an observed instinctual bond. On the other hand, while they cannot run counter to them, our needs(a) and (b) are not arrived at merely on the basis of observations of behaviour or as inductive generalizations from specific cases. If they are needs, in our sense, they are also conceptually necessary conditions (for functioning or flourishing as a person). How are the needs for recognition and belonging to be justified in this way?

Let us focus, briefly, on the need(a) for recognition; (comparable arguments apply to the need(a) to belong). We have noted that there are cognitive and affective abilities without which a person could not qualify as a self-determining chooser. Like the moral judger, any person, on some occasions at least, needs to decide what to do in the

light of publicly assessable reasons, instead of always following lines dictated by individual whims or aversions. Complete lack of recognition from others rules out *a fortiori* public assessibility. We have seen that like our judger, any person must be able to distinguish his own judgements and the consequences brought about by his own self-determined agency, from those of others which are independent of his will. A necessary conditions for this ability, surely, is a sense of oneself as a distinct individual. We noted that a person learns to refer to himself as 'myself' by recognizing that he is the one to whom others refer when they refer to him. I could not so much as rise to a concept of 'myself', as myself, if I did not have some level of recognition. We have seen also that like the judger, any person must have a sense of his continuing identity. He may be a kind of Robinson Crusoe, insularly stranded from others. Still he can hardly conceive of himself as 'being alone' without having had the recognition of others in the first place.

The points above cannot be claimed to have the force of demonstrations. But enough has been said I think to show the nature of the *a priori* support for the empirical case for recognition as a need(a). Are there comparable conceptual points to support the empirical case above for the needs(b) 'for recognition' and 'to belong'? This time, let us focus on the latter.

Firstly, it is mainly through our relationships with others that we define ourselves. My wife, my children, my friends, my country, etc. all contribute in varying degrees to my sense of who I am. This is to say, an individual's relationships and commitments to others, appear to be an important component in the sense he has of his own identity. This is not merely an empirical point but also a conceptual one. As F.H.Bradley (1876:172) writes, the concept of my self

> ...the object of (one's) self-consciousness, is penetrated, infected, characterized by the

> existence of others. Its content implies in every fibre relations of community.

To understand who one is as an individual, one needs to understand the relationships in which one stands to other people; the role one occupies in one's family, in one's work, in one's community, and the commitments which each of these relationships carry with them. It follows that the less understanding one has in this respect, the more uninformed one is about one's own identity. And we have established already that this lack of self-knowledge can be a form of ailing.

There is a more impressive philosophical basis for the claim that we need(b) to belong. The justification of many of our moral beliefs depends upon individuals being looked upon not as a-social beings, but as persons having real ties that in fact bind them in relationships with others. We will find, this is to say, that many of our moral beliefs can be rationally justified only by reference to this psychological need(b). We will consider, for example, the vital part that this need plays in our understanding of loyalty and promise-keeping.

One further point should be stressed at this stage. People are different and the differences between them makes it sensible and justifiable for them to relate to one another in different ways, take different jobs, develop different talents and lead quite different kinds of lives. What I am arguing is that there is, nevertheless, a core of objectivity to the claim that they are similar in certain psychological respects. Any person has the need(a) for personal relationships and the needs(a) and (b) for a robust sense of their own identity. (We will return to the discussion of our needs vis-a-vis our relationships with other persons shortly.)

There are many value-attitudes we normally associate with a person's need for an adequate sense of their own identity. We speak approvingly, for example, of a person having a true sense of his own worth, of amour propre, of self-confidence,

whereas we disapprove of someone who overrates or underrates themselves in this regard. We disapprove of undue preoccupation with the self, conceit, narcissism or over-confidence. On the other hand, we disapprove of insufficient self-awareness; we speak of 'a poor self-image', or 'lack of self-respect', or 'undue self-deprecation'.

It might be objected "What one person calls modesty another calls lack of self-respect, and so on. Whether or not a value of this kind applies in a particular case is often contested". However this misses the point. What is not contested is that 'modesty' and 'self-respect' as such, are everyday values. And they are values, I maintain, based upon the underlying psychological need for an adequate sense of one's own identity.

Other values concerned with a sense of one's own identity are associated with a person's need to be self-determining. We approve of a person 'having the courage of his convictions', of his acting 'in accordance with his moral conscience', of his having 'self-fidelity' or 'integrity'. It would be prima facie unacceptable, for instance, to require someone to abandon a project, just in case the predicted results might not yield maximum utility. If he were to do so, we would regard this individual as lacking the courage of his convictions, or of lacking integrity.[127] Though we would, no doubt, expect a project to be halted if it can be shown that it is harmful to the needs of other members of the community, (see p.363). The point is that there is a prima facie case against inroads into integrity of this kind; a case against what we might call, more generally, inroads into the unity of a person. Along similar lines we may tentatively conclude that if I say "Smith morally ought not to be so biddable" and the reason that I give is "because a person needs(b) to act in accordance with what his conscience dictates", this is a prima facie good reason for the moral judgement.

I want to consider now just one more example of what I am calling 'a self-regarding need'.

5. The need(b) for pleasure

To be able to cope, human beings need to get by without any debilitating suffering, mental or physical; but this constitutes a bare minimum. They share also a need for pleasure (and the related, more elusive, need for happiness). These concepts, 'pleasure' and 'happiness', are notoriously difficult to analyze and I shall not do more than give a few indications about their nature as needs.

'Pleasure' is not a simple notion. We cannot assume that all forms of pleasure are, for instance, by-products of a person's successful engagement in diverse activities. While some pleasures may be like this, (viz. supervene upon other activities), as A.MacIntyre (1981:184) writes:

> ...some (are) the pleasure of psychological and physical states independent of activity.

MacIntyre has in mind, for instance, the pleasurable sensations produced on the normal palate when eating certain things, or the pleasure which attaches to prestige, money or power. He contends that these states can be pleasurable independent of activity. This seems correct.

However, from the passage above it appears that MacIntyre regards pleasure, in some of its forms at least, as a physical sensation. This is questionable.[128] For as E.Telfer (1980:14) writes:

> ...one can be said to be pleased by almost any kind of thing; the result of a General Election, one's own success in keeping one's temper in trying circumstances, a new dress, the government's stand on pornography.

If there is a unitary notion of pleasure - that is to say, something in common between the sensation of eating certain foods and a response to the result of a General Election - then this, surely, is not a sensation. It is better, I think, to describe it as an emotional state; although it is usually a more tranquil state than the psychological turmoil

suggested by many of our emotions. And then we might say, pace MacIntyre, that there are sensations which give pleasure, or there are sensations associated with (the emotion of) pleasure.

Neither is 'happiness' a simple notion. In ordinary discourse, we speak of a person 'having a happy temperament' by which we mean that they have a cheerful disposition, we speak of their 'being in a happy mood', meaning by this that they find things agreeable (even sometimes when the things in question are bad), and so on. However it is, presumably, happiness in life generally that we would be referring to if happiness is to be regarded as a need(a) or (b). In this sense we might speak of a person 'leading a happy life' or of his 'having found happiness in life'. Let us assume, for the moment, that we are referring to a state of mind or attitude when we refer to someone leading a happy life. Perhaps this is the state of mind or attitude we mean when we describe them as 'being pleased with their life'.[129] Are we able to say that persons are relevantly similar in this respect?

MacIntyre thinks not. He observes that different people derive pleasure and happiness from quite different things. This leads him, (and others [130]) to deny that there can be any objective content in the notion of 'like cases' here. MacIntyre (op cit:62) writes:

> The happiness which belongs peculiarly to the way of life of the cloister is not the same happiness as that which belongs peculiarly to the military life. For different pleasures and different happinesses are to a large degree incommensurable...

Our enthusiasms and preferences are widely different. We do not all find pleasure or a happy life in the same kinds of thing. At least there is no one activity that comes to mind, (with the possible exception of certain erotic sensations[131]), about which it could be said that everyone finds pleasure by engaging in it, or happiness as a result of experiencing it.

However for the moment this is a side-issue. Irrespective of the diversity of the things we find pleasure or happiness in, the fact that it is pleasurable (or that it will make a person's life happy) is a very common motive for doing something. Earlier I suggested that pleasure is a kind of emotional state. So regarded, it carries with it conative implications; a person who thinks he will be pleased with something F will be motivated to act in certain ways towards F. He will want to do F or to obtain F, and when he has it, he will want F to go on, or at least, he will want it not to be interrupted. The fact that X is likely to be pleased with F is a good reason for X choosing it.[132]

It is not surprising either that the fact that something is likely to be, or is, pleasurable, or will lead to happiness, is often a reason we give for judgements. We judge in favour of a certain state-of-affairs or item rather than others because it is likely to be more pleasurable than the alternatives. Similarly we often judge that certain activities ought to be done because they are likely to bring greater happiness than others. These are powerful reasons for a judgement. In giving such a reason, moreover, one is usually ruling out the instrumentality of what is being done in relation to some other different end.[133] This is not to suggest that either pleasure or happiness are the only ends of our actions and judgements. A person may do things or organise his life in pursuit of a goal which is quite remote from either pleasure or happiness. He may choose to sacrifice his life in the name of justice and so cut off the possibility of achieving further pleasure or happiness. Nevertheless we normally think that the pleasure it affords, or the happiness it brings, if not in the short run in the long run, is justification enough for engaging in an activity.

Are pleasure and happiness needs(a) or (b)? Let us concentrate on happiness as a need(b). Is being happy, in the hedonistic sense of being pleased with one's life,

another way in which a person may be thought to flourish? (We should notice that if happiness is a need(b) what is needed in this case is not merely a means to an end but also part of the end.) At first sight the answer to the question seems to be a fairly obvious 'yes'. Surely it must be said that every person needs(b) happiness for a sense of flourishing and he needs(b) to be happy if others are to say he flourishes.

It might be objected that a stoical character does not need this, even if it were attainable. Concerning the latter point, it is usually added that happiness is not to be found in anything that we experience anyway. Any personal relationships that we have, lead inevitably to grief; one falls in love only to find that the loved one finds another or is struck down by illness and death. Similarly fame, fortune, the respect of one's fellowman, are here one day and gone the next. In this vein, for instance, A.Schopenhauer (1883:390) writes:

> Everything in life shows that earthly happiness is destined to be frustrated and recognized as an illusion...

We are continually faced, not by happiness, but by frustrations and misfortunes and these interfere with all other aspects of our lives. As a result, the Stoic says that rather than happiness, to flourish we need apatheia,[134] viz. fortitude in the face of adversity, to be calm and preserve our emotional equanimity regardless of what happens. Such a view appears to be quite contrary to what I am claiming is a basic drive of human nature that is needed for any of us to flourish.

At first blush the Stoical position, at least as I have characterised it, is plainly false. The world does offer many opportunities for happiness (see, for instance, pp. 245-246). But also the Stoical belief is rationally odd. If only apatheia is needed for persons to flourish, there would be nothing to choose between two groups, both containing the same amount of apatheia yet one filled with

happy people, the other with unhappy people. What is even more odd, if there were two societies and the first contained very happy people but little apatheia and the other was filled with very unhappy people and much apatheia, the Stoic seems to be committed to choosing the latter as his example of a flourishing community. But if it is possible for people to be very happy without it, what would they need apatheia for?

Also it seems odd to suggest that the fact that something is likely to give rise to happiness or pleasure could always be a matter of indifference to any person. For it would rob many of our self-determining judgements of a reason. In many cases, as we noted, these take the form of trying to attain concrete goals which we would not pursue unless we thought we would be happy or pleased with the overall situation which results. Indeed, it would be difficult to understand what could be meant by self-determining judgements unless we include some account of happiness or pleasure. These are not invariable motives. Nonetheless the fact we commonly and regularly choose state-of-affairs which we hope will result in them, is strong support for the claim that human beings need(b) the prospect of happiness and pleasure.

There are many other grounds for this latter claim. Firstly, often people feel guilt at not being happy. Consider the case when, for no obvious reason, Smith does not manage to feel happy. "Given all of the advantages that I have in my life", he might say, "how is it that I cannot manage to be happy?". People who feel guilt at not being happy or of not getting any pleasure out of life, in this sense, recognise the fault as their own. They usually regard it as a moral failure, like a lack of application, perseverance, or simply that they have the wrong attitude. Actions that exemplify these faults are regarded as a form of ailing, a failure to satisfy something which any individual needs.

Another reason for maintaining that it is a need(b) can be found in the fact that, on most views of morality, we are thought to have a duty to promote the happiness of others. Normally we believe that - when this would not require our sacrificing anything of comparable significance to ourselves - we ought to do more to help, say, elderly people who live on their own. In other words, we think that we should be doing more to promote their happiness. This is regarded as important, I am suggesting, because it is realized that happiness is a need(b) for all human beings which, in the case of people who are elderly and friendless, is not being met.

The other side of this coin is that we do not normally consider ourselves obliged to sacrifice all of our own happiness to help to prevent the unhappiness of others. What I mean by this is that without guilt, we spend a lot of money on our own projects and pastimes; money which, there is no doubt, could transform the lives of others if it were spent on them instead. We could make many old and lonely people happy if we spent all of our spare time visiting them. Nonetheless, usually we would disregard their happiness where this seriously encroaches on our own. Why? Part of the answer is because we think that we ourselves would ail as a result. This is not to say that we think we are morally justified in leaving the needs of others out of the account, or that we have a moral duty to meet our own needs first. The point is that when their possible happiness clearly conflicts with our own, we give priority to our own. This too indicates that we regard (our own) happiness as a need(b).

From the fact that in our judgements we do typically give priority to our own happiness; we do commonly believe that if it is in someone's power to enhance the happiness of another, they morally should; we do feel dissatisfaction if, for no good reason, our lives are not happy; and from the oddness of the contrary claim that we do not need(b) it, we

may conclude that there is considerable support for the claim that we need happiness in our lives if we are to flourish. Similar arguments apply mutatis mutandis to the need(b) for pleasure.

To see this, let us consider an argument that dates back to Aristotle,[135] which suggests that an objective basis for flourishing can be found in the pleasure that accompanies only certain activities. I want to contrast this view with my claim that pleasure is a non-volitional, universal and necessary need (a psychological need(b)) for persons. I want to show that the kind of pleasure referred to in this well-known argument is not a need(b) for persons.

The argument asks one to consider the general features which any activity requires if it is to figure high in the list of pleasurable activities. In the first place, mastering a skill or understanding a body of knowledge is invariably accompanied by feelings of pleasure. Activities are usually thought to be less pleasurable, on the other hand, when the participant lacks competence or understanding. Secondly, it seems that human beings do not derive full satisfaction from an event in which they are purely passive spectators. Normally, as we acquire skills or understanding, if the occasion allows, we enjoy using them; the more occasions we have for exercising the skill, in unexpected ways especially, the more pleasurable it becomes as an activity. Thirdly, in order to find many activities pleasurable - though obviously not activities like eating - a person will need to experience it as something that is demanding, which offers scope for initiative and creativity, or which makes use of his critical ability, etc. The religious recluse and the military man may differ in the things they find pleasurable. However both will find that their activities share at least some general features in common, which is why they are found to be pleasurable.

The theory goes on to suggest that some activities are richer than others as possible sources of pleasure because, in themselves, they provide more opportunities for developing skills, or for the use of creative and critical abilities. When compared with other activities, their content is wide-ranging, they will provide greater opportunities for fresh discriminations, and so on. Due to their complexity, they will be capable of holding the participant's attention for a longer span of time. They will be found more rewarding also because they can deepen one's view of things or illuminate other areas of one's life. In this way, they will lead to an individual's self-realization and give him a sense of having what is worth having in life.

By suggesting that an objective basis for pleasure can be found in things like 'the use of one's creative abilities' the argument seems to be that conditions such as these are necessary for pleasure, that no one will be happy with his life unless his intellect or imagination is stretched. And I have no doubt that for many of us this is a familiar road to self-realization and to happiness. What I doubt is that it is a need(b) for persons. For it is possible for a person to find pleasure and be happy even if he only ever engages in the more mundane kind of activities. And it seems correct to say of someone who has prostituted his talents, or of someone who has a way of life that most of us would find awful, that they are perfectly happy. On the other hand, it would be possible for a person to engage in pleasurable intellectual activities but still suffer from a dissatisfaction sufficiently grave to spoil his happiness. Perhaps he craves for a happy family life and this escapes him. And obviously there are many things other than partaking in creative or intellectual pursuits that can make different persons happy; meeting career ambitions, family life, friendship, love, and so on. The view that a pleasurable or happy life necessarily depends on stretching

the intellect, puts the matter the wrong way round. It makes pleasure depend on certain constituents, so to speak; whereas my general point is that, whatever elements it may contain, a person needs(b) pleasure (and happiness) for a sense of flourishing.

Clearly there are a great many gaps in the arguments above. Something more should be said, for instance, about the connection between happiness and our other needs. Following Mill (1851:135-140) it seems true to say, for example, that when their actions concern themselves alone, more happiness is likely to arise by letting a person be self-determining. If his act doesn't affect anyone else, it will not harm anyone else, and in the long run a person is likely to gain in terms of happiness by others not interfering with his projects. Unlike Mill, however, I have argued that the need for self-determination is not a need for happiness as such, for it can be represented as something a person needs to function and to flourish even if he will not, thereby, be happy. And there are other needs(b) that cut across the single-minded achievement of happiness.

Also something more should be said about the connection between the need(b) for happiness and moral judgement. We are considering happiness and pleasure as psychological needs for persons if they are to flourish; where by 'flourish' we mean a morally neutral requirement, (not in the sense of non-normative but in the sense of non-contested). The fact that people need(b) happiness or pleasure does not entail their moral right to it. It is clear that we are not prepared to let a person do just anything because it makes them happy. However neither is the connection merely contingent. The relationship between the two (viz. happiness/pleasure and morality) still has to be identified. What we can say at this stage is that 'because F makes X happy' or 'because F pleases X' are <u>prima</u>

facie good reasons for the judgement 'F ought to be done to X' or 'X ought to do F'.

My account of a person's psychological needs(a) and (b) is still importantly incomplete, resting simply on the needs above. If we left things like that, the resulting theory would be an unduly egocentric view (of a person's needs). To base it upon the needs for self-determination, self-realization etc. seems to reduce morality to an egoistic calculation. The point is that in our personal relationships we not only need other persons to respond to us, we need the capacity to respond to their needs. And this, in turn, is to identify quite a different kind of need in the emotional and motivational substrate of a person. We must now turn to these other needs.

6. Sympathy as a need(a)

We have a capacity to be moved by other people's needs, by their happiness, by their sufferings. Sympathy or fellow-feeling of this kind appears to be universal. It is exhibited in at least two ways. We can emotionally identify with others in a passive way. If another person feels pleased we can feel pleased for them. If their pleasure is the result of an action of another party, we can warm towards him and his action. We may morally approve of what he has done. If another person suffers, we may feel distress for them. If the suffering is caused non-accidentally by another party, we may feel hostile towards him or his actions. We morally disapprove of what he has done.

'Empathy' is the name given by philosophers and psychologist alike to this component of sympathy. As D.Wright (1971:134) observes:

> Empathy is one component of sympathy, namely responding to the other person's emotional expression (in this case of distress) with a similar emotional response (again distress).

We can feel pity at their distress and, we should not forget that on the positive side, we can feel pleased for them at their success. But we may do nothing more than this.

On the other hand, we can be actively concerned, wanting to assist them in their distress. Any normal person seeing an unknown child attacked by an animal, we noted, would not only feel distress but would have an impulse to save the child, if they could. Our empathetic impulse, that is, can initiate sympathetic behaviour. Sympathy of this active sort is manifest in more than wanting to assist another in their distress. It is evident, for instance, in the appreciation shown to them in personal relationships; the support and encouragement given to them as they develop their talents or in their self-determining projects. We will distinguish such behaviour from empathy by calling it 'active sympathy'.[136] Let us ask, first, whether empathy is a need(a) for persons.

There can be no doubt that people differ in the way they exercise this capacity; this is to say, we differ in the degree to which we feel empathy towards others. There are times, of course, when anyone's empathy may be lacking or inhibited; one may be so wrapped up with one's own problems that one may overlook the distress of others. However that a normal person possesses this capacity to some degree, is claimed to be a brute fact of human nature.

We are told that, as a matter of fact, all people have a predisposition for empathetic concern. This predisposition is reinforced by most known child-rearing practices; a child's interaction with its mother and other members of its family, develops this capacity. As Wright (ibid:134) tells us:

> ...superimposed upon such a predisposition is the process of conditioning.

When a baby is upset it calls forth an empathetic response in the parent. Similarly, the baby's perception of the mother's distress will evoke distress in it. As it grows up, it is encouraged to develop such a concern for other

members of its family, household pets, etc. Later its empathy is extended to peers at school and to other people known through larger scale attachments. At this stage, our empathy occurs not only in response to the visible signs of suffering in others but as a result of the realization that they are suffering whether or not they are showing it and whether or not they are present. However its importance for us does not lie in the fact that it is reinforced by child-rearing practices, (incidentally, of all known human cultures).[137] Neither is it the fact that most people want to feel concern for others. The importance of a thing, for our account of 'persons', is not gauged by the fact that people actually feel it or want it, but that they need it. Can we say that empathy is something an individual needs(a) to function as a person?

One way we might show that it is, is by an ad hominem example[138] to the effect that to deny that some level of empathy is needed would lead to conclusions that any normal person would find repugnant. Let us suppose that Smith is driving to work in his car and he sees that a branch has broken from a tree and lies in his path. He does not think that the branch will hurt the car's tyres, so he drives over it. This seems to be a reasonable thing for Smith to do. Now consider the case where Smith is driving along and he sees a student lying in the middle of the road (which they do frequently in Transkei). He "reasons" (sic) that this will not hurt his car's tyres so, lacking any vestige of empathy (i.e. totally unconcerned for the needs of the other person), he drives over her. Even if there were no laws which prohibited such behaviour, we could not understand such a reason. We would not understand how the fact that his action killed or caused another person serious injury could possibly be of no concern whatsoever to even the most committed egoist. No one would seriously maintain that this is a response of a rational person. If we were arguing with the man who did not feel any sympathy for the person he had

so treated, I think we would have serious doubts about his sanity. If we suppose, per absurdum, that he did try to argue morally in favour of such conduct, we can show him that such a judgement is not universalizable.

Though they could not argue for it, evidently a few individuals do behave in such a way. Someone who does, can only exist as a deviant in a society. We would say that someone who is incapable of sympathy in this rudimentary sense, so that they are always totally indifferent to the misery and suffering of others, is pathologically defective. It must be stressed that we are not simply considering someone who acts inconsiderately or cruelly towards others but someone who literally is incapable of sympathy in this rudimentary sense. Psychopaths, for instance, are noticeably lacking in this capacity; the psychopath is, quite literally, less of a person than the rest of us.

It is possible, of course, to have passive sympathy for a limited number of other people and disregard for the needs of others. One striking feature of racial prejudice in South Africa is the failure of some people to respond empathetically to the sufferings of members of other racial groups. This is probably related to the erroneous belief, of some white people, that the suffering of black people is in some way merited, or to the even more astonishing belief that non-whites are not quite persons. However someone who feels empathy for just one other person yet who refuses it to others in similar circumstances, as we shall see, can be accused of having failed to universalize properly.

Even if it is conceded that some degree of empathy is a shared need(a) of persons, it has not been shown that an active sympathy for them, is something too that we share. It would be nice to assume, with W.Maclagan (1960:212), that

> ...we are, I think, so constituted...that it is psychologically impossible genuinely to sympathise with anyone in the passive mode, without at the same time having some measure of active sympathy also ...for him.

If this is not to be trivial (i.e. by defining 'genuine empathy' in terms of sympathetic action), then we need evidence for the claim. Unfortunately there is a lot of empirical evidence to suggest that it is often the case that when faced with the other people's suffering, we may empathise yet do nothing, on the pretext that we are powerless to help,[139] or because we deprecate the self-inflicted cause of the victim's suffering.[140] We may be empathetically moved, thus, by pictures of starving children in Oxfam posters or by someone who, through drunkenness, collapses in front of us on a pavement in Glasgow, yet this is not always followed by sympathetic behaviour.

It is usual, of course, to have active sympathy for a limited number of people. The unprincipled motorist may be motivated to do his best for the safety and well-being of his own children, a white racist may think the world of his childhood Xhosa nanny and always try to show her his care and concern, while most of us, most of the time, show a lot of active concern for a few people and a lack of it for many others. The point is that, as a matter of fact, the capacity for active sympathy towards someone, at least some times, is something we find in the make-up of any normal person. Once again, someone who believes that this morally justifies his treatment of some persons, yet who refuses it to others where the same reason applies, has failed to fully universalize his judgement.

The problem for us is to show that some degree of active sympathy is a need(a) for persons. We might show this, as before, by an ad hominem example. Let us suppose that on his way into work Smith observes that a child has fallen into a pond and is in danger of drowning. We can add that Smith feels passive sympathy for the child. He feels concern and remorse. He thinks 'how terrible it is that the child should drown' but he does not wade in and lift the child to safety because Smith believes that one ought never

to allow the empathy one feels for another to manifest itself in active concern, not even for this drowning child.

This is not the sort of reason we would ever countenance from a normal person. If we were arguing with Smith, I think we would have serious difficulty in understanding him. We would not understand how a policy of non-intervention could possibly outweigh the child's need to survive. We expect a modicum of active sympathy for the needs of others, this is to say, in the normal person's psychological make-up and behaviour. If we were arguing with Smith and he did not allow that the child's drowning was a reason for his acting to save it then, once again, we can show him that he has failed to universalize properly. We will see also that to consider Smith's conduct as anything but defective would be to treat as an acceptable option a view which, if standard, would be an incoherent view of a human moral practice (see pp.331-333 ahead).

I am suggesting that it is rational to assume what we ordinarily do assume that any person has the capacity to show sympathy. So understood, sympathy is compatible with a wide range of behaviour. It is possessed by what otherwise may be a ruthless or cruel character. If an individual never once showed any evidence of sympathy for anyone or anything, however, we would have serious doubts about whether the term 'person' applied to him.

It might be objected that I am adopting here an unduly sentimental or a contentious view of human nature. It is often argued, for instance, that human nature is at root egoistic. For some, this is to claim that ultimately all of our motives must be self-interested, i.e. psychological egoism. However there is nothing I have said to rebut the view that the need(a) for sympathy of either kind, might not be based on self-interest. It might be, as D.Wright (ibid: 134-135) asserts, that all 'sympathetic behaviour' aims

> ...at the removal of the observer's own emotional upset by removing its immediate cause, the distress of the sufferer.[141]

I want to deny this. However, there is nothing I have said so far which would rule out such an account. Others argue that we can give an account of our usual moral beliefs on the assumption of rational self-interested needs alone. We do not require sympathy, which is a quite different kind of emotion and which is likely to conflict with needs of the self-interested variety, (e.g. survival, self-determination, pleasure). I hope to show, however, that an account based only on rational self-interested needs does not provide an adequate explanation of many of our moral beliefs. As we shall see in the next chapter, we cannot, for instance, justify our ordinary sense of justice without reference to active sympathy.

Before this, I want to consider sympathy as a need(b). This can be shown in a multitude of ways. We shall discuss just one of them, the love between parent and child.

7. Sympathy as a need(b)

That most parents love their children and that their judgements are widely influenced by this affection, cannot be denied. Parental love, we might say, is natural. This might be explained, in part, as D.Barash (1982:138) writes

> ...parents love their children "because" of...the ultimate cause: Parents share one half of their genes with each child.

There are many such affections, e.g. care, concern, loyalty which, we are told, are genetically transmitted and which ultimately, though not proximately, have something to do with survival of the genes which transmit them. However there is more to the causal account than that. Strong feelings of love, care and concern are engendered by sharing in the process of bringing a child up, irrespective of the fact that one is, or is not, the natural parent. Besides, whatever the causal explanation, it does not justify our moral approval of parental love.

We have feelings of love and, at an intuitive level, we think that this is a good thing. In loving the child, the

parent is doing what he or she morally ought to do. Can we rationally justify valuing love of this kind? Presumably we do not prize just a flow of emotion, for which the parent is, so to speak, a passive source. (This is what we call sentimentality.) We value such love, it seems, where the sentiment is positively endorsed from the parent's rational personality. How can we prize it on rational grounds? To answer this, we need to say a little more about parental love.

Clearly it involves caring for the child's physical well-being and providing for her other bodily needs. It includes also concern for her a-rational needs; for recognition, belonging, and so on. This is manifest in such things as the pleasure the parent shows at the child's presence, his encouragement and appreciation of the child as she develops skills and talents, and so forth. It involves also the parent encouraging the child's efforts to be self-determining, her need to independently pursue her own projects. In this, there is even a degree of toleration accorded to the irrationality of the project. As E.Newson (1978:16) says:

> In many different ways, parents accept as valid and worthy of their attention and respect, demands from the child which they might reasonably judge as irrational whims.

More importantly, parental love is distinguished by feelings of affection and appreciation of the child simply for her own sake. This is a feeling. But it is a feeling which can be identified by its function. It is a feeling by which the parent recognizes the child's worth and, by his conduct, affirms the child's sense of her own worth as a person.[142] To put the point differently: whatever its actual emotional tone, parental love can be identified mainly in the respect given by the parent to the child as another person.

Parental love, then, is the general name we give to the strong positive feelings of sympathy that a parent has for

a child, together with his concern to meet the child's other needs.[143] The former has, we noted, a quality of selflessness about it; it seems to be an example of the kind of love called agape. Downie and Telfer (op cit:29) describe agape as

> ...the attitude of respect which it is fitting to direct at persons, conceived as rational wills.

In other words, respect is the rational backbone of parental love. It is the respect we show when we concede that our child is another person.

It is in this light that parental love can be seen as the underlying need(b) to have positive feelings of sympathy with another person. It is chiefly to be found in what I have called 'active sympathy' which is manifest in the respect we feel for the worth of the child as another person. 'Respect of worth' here is supervenient on other things. It can be identified, for instance, in a parent encouraging the child to independently pursue her own projects. On the other hand, it is conspicuous by its absence in the parent who claims to love the child and does not respond to the child's self-determining needs. A central element of love is missing. It is perfectly sensible to say that this is not genuine love but, for instance, vicarious ambition or possessiveness. An example of the former would be the parent who cannot recognize the worth of something in which the child, but not the parent, is interested; an example of the latter is the father who cannot release the child from the parental apron-strings.

I want now to bring out some other aspects of the need(b) for active sympathy, to be found in parental love, by comparing my account briefly with one of a Kantian flavour. In suggesting that the basis for parental love is to be found in our (positive) need to feel and give sympathy, viz. the respect we feel for the worth of the child as another person, I may seem to be tending in the direction of Kant. However Kant does not, of course, officially recognize the emotions as part of the structure of morality. At any rate

we cannot attribute moral value to actions motivated by parental love, where the latter results from a need in human nature.

Kant suggests, nevertheless, that a parent can do what he ought for his child. He can care for her and respect her even when he does not feel love for her. Kant suggests, moreover, that this is how a fully autonomous parent should arrive at his moral judgements. Otherwise, Kant (1785:105) writes

> ...the will does not give itself the law, but an alien impulsion does so through the medium of the subject's own nature...

It appears, then, that some sort of parental care and respect is due to a child, even if this is not to be located in feelings of active sympathy.

However it is an odd kind of caring and respect where the emotional element is entirely lacking. It seems analogous to being required to laugh at a joke out of duty instead of finding it funny. It is odd because reasons and feelings cannot be separated in this way. What are we to make of the Kantian parent, for instance, who "cares" (sic) for his child yet who feels nothing but hostility, constant resentment or exasperation towards her? Similarly how could he have respect for her as another person if, at the same time, he always has entirely the opposite disrespectful feelings towards her. It seems more reasonable to say that caring involves not only what we do but also the spirit in which we do it. Merely going through the motions is not caring at all. No doubt the emotional tone of care and respect can vary from one person to another, as it can vary within the same individual at different times. A parent, however, cannot dutifully care for the child and lack completely positive feelings of sympathy.

Another difficulty for Kant is to explain why the rational will of any parent should chance upon, as a <u>prima facie</u> duty, the duty to care and make sacrifices for their children, in the first place. Kant has to explain the

source of the duty, if it is not from the 'subject's own nature'. I am arguing that parents make the sacrifices they do because of their need(b) to feel and show respect for the worth of their children (viz. active sympathy); and this explains the source of the belief that they ought. Furthermore if, as I am claiming, acts of affection, caring and concern can be an expressions of this need(b), more is involved than doing what one 'ought', in the Kantian sense. Rather what is involved is the kind of caring expressed when parents do all they can.

One final point to support my claim that this aspect of parental love is an expression of a need(b) can be seen in the case where the parent does not love his child. The reason for the judgement 'I ought to love her' is likely to reflect the knowledge that he has that active sympathy is prevalent in most normal parent-child relationships; it is displayed in conduct (affection, care and concern) which, for some reason, he lacks and, thereby, he ails: i.e. 'I ought to love my child, but there is something wrong with me'. In this sense, the view that a parent needs(b) to feel active sympathy for his child is commonplace.

It might be queried "Shouldn't the parent construe the matter here as a strong motive or pressure to sympathise, rather than his lacking a need(b)?".[144] My answer is a qualified "no". If I am correct, the normal parent's love for the child is not necessarily a response to any merit of the child, (she may have none), or to any observable qualities, (she may be a disagreeable brat). In such a case, it is not a quality in the child that can be cited as a reason in justification of the parent's love. Are we to say, then, that the love the parent feels is unintelligible or mysterious? I think not. We are not surprised that parents love their children, no matter that the child lacks any obvious merit, because we assume that normal human beings are equipped by their psychological natures with the disposition to react in just that way towards their own

children. To (genuinely) lack such a disposition would be to lack an important item in one's psychological make-up. This in turn can give rise to a strong motive or pressure to want to sympathise.

Let me make the point in another way. I am arguing that parental love for a child is, in part, a matter of respecting its worth as a person. In attributing worth to the child, we do not seem to be ascribing this to a set of properties, rather we are expressing an attitude that a parent needs, (what I am calling 'active sympathy'). This attitude follows naturally from that person's psychological make-up but is not grounded on anything more ultimate than this. We find it in most parents. We believe that without it, they psychologically ail. Furthermore the source of the parent's discontent in the example, is most likely to be explained as an expression of his awareness that it is an attitude that parent's need yet which, in this case, he does not have.

The arguments above do not constitute, of course, logically coercive grounds to support the case of active sympathy as a need(b). However I will offer more evidence to show that it is, in the discussion of gratitude and loyalty to follow. For the moment let it stand as an empirical claim.

One other point that we should note, in passing, is the general unease which surrounds the idea that we need(b) certain feelings. We have been persuaded, I think quite wrongly, that we cannot help the way we feel. We are the slaves to our passions rather than the masters of them. H.Sidgwick (op cit:239) reflects this view when he writes:

> ...it cannot be a strict duty to feel an emotion so far as it is not directly within the power of the Will to produce it at a given time.

On the other hand, it is generally thought that we can be taught how to control certain feelings, e.g. destructive feelings like rage and jealousy, and even how to feel differently in circumstances where feelings of this sort

typically occur. It seems odd to suppose then that we cannot similarly control - and by this I include cultivate in children - positive sentiments, such as a feelings of active sympathy for other human beings. Particularly when we believe that as adults they need(b) to feel in this way for their children. However if it is true that one cannot help the way one feels, that one cannot cultivate feelings, this does not damage the claim that where a person lacks a feeling or attitude that he needs(b), then he ails.

Many of the arguments above apply to other close family relationships where we need(b) a form of active sympathy. Consider again Sartre's example of a young man torn between joining the Resistance and caring for his elderly mother. Let us assume this time that the student chooses to stay with his elderly mother. I maintain that this decision is likely to be based (causally not logically) upon feelings of active sympathy that he has for his parent.[145] One of these may well be the respect he has for her, in the sense that we have tied to the idea of respecting her worth as a person. When thinking of her in this way he will not necessary ascribe the 'worth' he feels to a characteristic or property; viz. that she is old and ailing, or that she is vulnerable in occupied France, and so on. The active sympathy that he has for his mother can be, in a sense, groundless. Children too are able to love their parents in a groundless and ultimate way because, we assume, they are equipped by their psychological natures with the capacities and dispositions to do so. The recognition of her worth shows itself in his regard for her as someone who is more than merely an instrument to his (the son's) welfare; it shows itself in the strong feeling of affection that he has for her, and so on. However there seems to be more to the matter than this.

The explanation of the son's response may include also some account of the need he feels to **reciprocate** for the care, concern and affection that his mother has shown to

him. When we recognize the intentions of another person to act for our well-being, we have a tendency to care for their's in return. The basic idea here is of reciprocity. We have a tendency to return in kind another person's active sympathy towards us. If the son responds in this way, the son is likely to be acknowledging that his mother is someone who has shown that she values or cares for him, that she is someone who has acted for his benefit and with his interests in mind, that she is someone who has sacrificed a considerable amount for him, and so forth. I hope to show shortly that this too can be a form of active sympathy.

By this I am not suggesting that the son's concern for his mother is due solely to a need he has to reciprocate for his mother's earlier actions for his good. I have argued that any person needs(a) the capacity to respond with active sympathy to the needs of other persons irrespective of the thought that he has or will benefit from them. In everyday life, the capacity we have to sympathetically respond to the needs of another transfers easily to strangers, to whom we feel no need to reciprocate. When driving along in a car if we were to see a student lying in the middle of the road ahead, we would not consider whether or not the student is someone from whom we have or will benefit, before deciding to stop the car. If we see someone in danger of drowning, before going to his aid we are not likely to ask whether or not we have or will benefit from doing so. The familiarity of this kind of example suggests that we attach a value or worth to the life or well-being of any person, irrespective of the need to reciprocate and no matter what the perceived qualities (e.g. moral character) may be of that person. I am suggesting that we explain this capacity we have to attach worth to others simply in terms of a capacity for sympathy in human nature. Nonetheless we do have also a disposition to return in kind the active sympathy shown to us. In many cases, as we shall see, the reciprocity we show also can be explained in terms of active sympathy.

The capacity we have to be moved by another person's needs and to respond to their active sympathy towards us, are powerful motive forces. Our feelings of care, concern, and affection, the value we attach to human worth, the need to reciprocate, are the kind of ties that in fact bind people and motivate their actions. They are evidence of the need(b) to show active sympathy that is expressed in the kinds of reasons we give in the moral judgements we make.

None of this is to say that our need(b) for active sympathy entails certain moral judgements. It is obvious, for instance, that sympathy shown towards one individual may lead us to further their interests at the expense of others in a way that is morally offensive. As I.Murdoch (1970:75) notes:

> ...human love is normally too possessive.

Moreover, if someone said "Though the student needs to show active sympathy to his mother, he ought not to do so because the needs of the Resistance are weightier", we would understand what the speaker is advocating. He is not saying something that is non-universalizable, self-contradictory or in some other way rationally incoherent. However if we did not have such an explanation, in terms of other putatively weightier needs, we would not understand what it would mean to say that 'his active sympathy for his mother' is not the weightiest reason for a judgement concerning what the student morally ought to do.

Let me conclude by pulling some of the arguments in this chapter a little closer together. I have argued that all persons have certain fixed psychological needs. On the one hand, we have personal needs such as to be self-determining, for personal relationships (e.g. recognition by others and a sense of belonging), for self-realization, a sense of unity in our lives, for pleasurable experiences, and so on. On the other hand, we have other-regarding needs for passive and active sympathy. The latter can be recognized when, in

our relationships with other persons, we respond to their needs.

I want to emphasize that these are not 'moral' but 'psychological' needs. Self-determination, self-identity, etc. are not notions peculiar to morality. Any more than, for instance, the concept of 'causation' which is central to the concept of poison, makes 'causation' a concept peculiar to biochemistry. The relation is, rather, the other way round. Moral beliefs, like those we have in many other fields, presuppose that a person has certain psychological needs(a) and (b). I am claiming, however, that we can understand many of our ordinary moral beliefs as ways of meeting these psychological needs. Many of our commonsense moral beliefs presuppose that all persons have certain psychological needs(a) and (b) and that by acting upon our moral beliefs we satisfy these needs.

It will be objected that it is not at all clear that we can account for our ordinary moral beliefs along these lines. Normally, part of the moral significance of most of our actual judgements is the fact that we stand in a quite specific relationships to other persons. The kinds of relations I have in mind include (a) short term person-to-person relationships, such as casual acquaintanceships, e.g. with a shop assistant. Typically, the moral judgements we make in such contexts involve things like gratitude, truthfulness, etc. (b) We have more long term person-to-person relationships, like those we have in a family or a friendship or, perhaps, between a tutor and a student. Ethically significant reasons here include things like loyalty and promise-keeping. Finally there are (c) larger scale attachments e.g. to an educational institution, a business enterprise, a political movement, a country, etc. A typical ethical feature in reasons here is justice, fairness, etc. It is not clear that such moral beliefs could be analyzed in terms of needs(a) and (b). The burden of the next chapter will be to show how these other moral

concepts can be accounted for in terms of needs. For our purposes, it must suffice to show how the needs thesis applies in just five examples, viz. gratitude, loyalty, truthfulness, promising, and justice.

CHAPTER SIX

MORAL BELIEFS AND PSYCHOLOGICAL NEEDS

We believe that we have a moral duty to show gratitude, to be loyal to our family and friends, to tell the truth, to keep promises, to be just (in the sense of being fair), etc. Such beliefs are at the heart of commonsense morality. If my needs thesis is to make any claim at being a plausible account, I have to show that at least these beliefs can be explicated in terms of it. In this chapter I will try to show that they can. I will point out also why my interpretation should be preferred to other accounts of them.

In section (1) we will consider Kant's view that gratitude is a holy duty and contrast this, in (2), with my account of gratitude based upon meeting certain needs. In (3) I will show that the belief that we ought to be loyal to a friend can be explained in terms of needs(b). In (4), I will discuss three accounts of promising. Firstly, the claim that promise-keeping cannot be justified in terms of a natural motivation but is, rather, an artificial virtue. I will show some of the flaws in this approach. Secondly, the claim that in the act of promising there is a logical relationship between fact and value; and thirdly, the view that moral practices can differ in their attitude to promising. In (5) I will argue that moral practices of lying or of false-promising are logically possible; i.e. there is not a logical relationship here between fact and value. However, in (6), I will identify the needs that underlie the concept of promising. This indicates, in turn, that there is a limit to the variations that human moral practices can take and that one such limitation is on a general practice of false-promising. In the next two sections we will consider the needs involved in our sense of justice. In (7) I will outline J.Rawls' (1972) decision procedure with which he arrives at a definition of justice. I will summarize also Rawls' motivational theory which is

claimed to account for our sense of justice; it is based upon self-interest and reciprocity. This presents a problem for my thesis for, we noted, it suggests that the need for sympathy is irrelevant in an account of this quite fundamental moral concept. In (8) I hope to show that rational self-interest has to be supplemented by the need for active sympathy in an adequate account of a sense of justice. Finally, in (9), I want to mention some major problems for my needs thesis.

1. Kant on the duty of gratitude

Gratitude is not much discussed in the philosophical literature.[146] Kant (1797:123) mentions it. He defines gratitude as

> ...honouring a person because of a kindness he has done us.

He maintains that this is a debt of honour. Moreover, Kant (ibid) writes:

> ...the obligation with regard to it cannot be discharged completely by any act in conformity with obligation, (so that no matter what he does the person who is under obligation always remains under obligation).

If I accept a kindness, for which gratitude is the obligatory response, I contract a debt which I can never repay. For I can never put myself on equal terms with the person who has conferred the kindness on me. He has, as it were, stolen a march on me. If I do him a favour in return I am only returning quid pro quo. But the donor had no such obligation. He acted freely in the first place. Since his first favour was freely given, I shall always owe him an additional debt for this. This debt is undischargeable. And who wants a debt like that?

The implications of this argument are even more gloomy. Since most people think that, like everyone, I am due the minimal decencies, for which I should be grateful, I seem to be for ever in the undischargeable debt of others. And my debt will be greatest to those with whom I am most deeply

involved, like friends, or, especially, my wife. (It is not surprising that Kant never married.)

We might try to soften the blow by distinguishing the sorts of debt which, normally, we would say confer rights on a creditor or benefactor, from those which do not. This is a tactic C.Card employs. She writes (1988:120)

> ...a beneficiary's responsibilities differ from those of a borrower or contractee. The latter's responsibility is to return what was borrowed or to fulfil the contract...The benefactor does not have a right to one's acting in accordance with them (the responsibilities of a beneficiary) but only deserves it.

On the one hand, debts can be formal. In this sense, borrowers of money, library books, etc., commit themselves to repaying their debts, or returning what is borrowed. Reverting to our earlier example, since in order to borrow the money, Smith promised to repay Jones, the latter has a right to demand the fulfilment of Smith's part of their agreement. (Often, in these contexts, the creditor or lender has a legal right against the borrower.) By repaying Jones, Smith discharges that obligation and the relationship in which he incurred the debt is terminated. Now we can distinguish this sense of debt from a weaker, less formal, one. Unlike literal debts, in the informal case we give the benefactor not what he has a right to but what he deserves. To see this consider, by analogy, the case where Jones invites Smith to dinner (with no intention of demanding anything in return). In some sense, Jones may be owed a return invitation. We would not say that he has a right to one. However we might say that Jones deserves a return invitation. Can we understand 'a debt of gratitude' in this informal way?

Let us ask, first, how this distinction helps us out of the oddity suggested by Kant's treatment of the matter. The distinction serves in the following way. If we regard all gifts or favours as creating obligations like the bond of a debtor to a creditor, then we may worry if, like Kant, we

regard them as undischargeable. On the other hand, if we regard a debt of gratitude as an informal debt then this confers no formal rights on the benefactor. For the beneficiary's gratitude is not something the benefactor has a right to but something he deserves. In return for the initial act of kindness, the benefactor deserves the recipient's gratitude. We might not worry unduly then if, as Kant says, a debt like this cannot be fully discharged.

However I do not think that this answer is satisfactory. First of all, as an account of gratitude, it lets the entitlement of the benefactor 'wear the trousers'.[147] This blurs the fact that, at least in the clearest sort of cases, acts of benevolence to which gratitude is the appropriate response are given freely. Let us suppose that Smith gives something to Jones, asking for nothing in return, and Jones fails to express any gratitude at all. Since, on the account above, Smith deserves gratitude, he can reasonably regret his benevolence. This is how C.Card sees the matter. Not receiving the appropriate expression of gratitude, she suggests, (op cit:120)

> ...might give (their) benefactors reasonable cause to regret the relevant good turns.

Yet if Smith complains or regrets his act of benevolence, wouldn't we remind him that he gave his gift freely, with no strings attached, not in order to receive something in return? This suggests that the recipient's gratitude, though usual, is something over-and-above the legitimate expectations of someone who gives something freely. Most of us would argue, also, that Smith should continue to do such things for others even if he never received a grateful response. This suggests that the idea of being something deserved by the benefactor (something he deserves as a return for his kindness), should not have such a central place in the analysis of the concept of gratitude. To see what is central to the concept, we need to answer the question: 'Why ought a person to be grateful?'

The Kantian answer is that this obligation, like any obligation, is to be met purely from a sense of duty.[148] But it seems odd to be grateful merely out of duty. Surely, as we said earlier about care and respect, doing it merely from a sense of duty betrays a lack of gratitude. For being grateful not only requires a spoken utterance like "Thank you", it requires that it is given in the right spirit. I am not obligated merely to express gratitude. I am supposed to feel it. I must, in some measure, be 'truly grateful'. In this sense, one does not show it if one's heart is not in it; rather, one feigns gratitude. It seems, then, that to meet the moral requirement one needs not only to express gratitude, one needs to feel it.

It might be asked: is the duty to feel gratitude always possible to perform? My answer is a qualified "yes". To see this, we have to see how gratitude, under certain conditions, can be explained in terms of the needs(a) and (b) of persons.

2. Gratitude as a need(b)

We must begin by considering the circumstances in which we would normally say that it is appropriate to express gratitude. Normally, we express gratitude as the result of receiving a gift, a kindness, or for another's sympathy, for their help, for their support and encouragement, and for any number of other things that one person does for another. However such an expression is not a required response merely because another person has done something which benefits us.

Firstly, the recipient must believe that the benefit was intended by the benefactor. Where a benefit is received and there is no such intention then gratitude, either felt or expressed, does not seem to be due. Suppose that Smith does something which benefits Jones but that Smith is forced to do so, or does so under some sort of duress. In these circumstances we would not say "Jones ought to feel grateful to Smith" or that "Smith is due Jones' gratitude". If Smith

gives something to Jones because he has been forced to do so by Brown then the morally appropriate response is not gratitude but for Jones to return "the gift" (sic) to Smith. Similarly, if Jones benefits from Smith in a way that Smith did not intend so that Smith regrets or resents Jones' good fortune at his expense, or if Smith is ignorant of the fact that he is the cause of Jones' good fortune, then Jones may be pleased, but it is not clear that Jones ought to feel or express gratitude to Smith in these circumstances.

Secondly, the recipient must believe that the benefactor's intention is to give something that he, the benefactor, regards as being of value to the recipient. The benefactor must be assumed to believe that the recipient requires or in some way will gain from the gift, help or service. On the other hand, if Jones believes that Smith (the donor) regards his gift to be harmful (for Jones), or that Jones will not like it, then it would not be counted as something for which Jones' gratitude is an appropriate response. However, as we shall see, the gift or service does not have to be something that Jones actually wants, or is glad to have, or which does in fact benefit him. The point is, the benefactor must think that it is.

Thirdly, the benefactor's intention in giving something of value must be without his wanting or demanding anything from the recipient in return. We said, at least in the clearest cases, the gift for which it is appropriate to express gratitude is free. It is the fact that Smith does something for Jones not in order to get something in return that makes us say Jones ought to be grateful.

Jones' gratitude rightly dissolves, for instance, if he discovers that Smith's motive for the gift was simply for the latter's own reward. Most commercial or other contractual transactions are like this; i.e. actions are performed, or things given, with the intention of collecting on the investment. If Smith renders Jones such a service, Jones does not owe Smith gratitude but his part of the

bargain. As a contracting party Jones ought to fulfil his part of the deal. This is not to say that gratitude is always out of place in a commercial transaction. Quite often people accept unfavourable terms in a contract in order to help the other person. When this happens, we think that an expression of gratitude is called for.

Other comparable cases where we do not think that gratitude is required include those where the donor's ulterior motive is to obligate the donee, or to demonstrate his wealth or his power, or where he is merely indulging in a charitable act for his own enjoyment or to support his own self-esteem. (Often Band-Aid concerts and other 'opportunities to be charitable' seem to be like this.) Of course the recipients frequently express their gratitude. In cases of this sort, however, I think that it is somewhat misplaced. It is misplaced where the motive for the act is the benefactor's ego trip, or to demonstrate his wealth and power relative to the poor and powerless, etc. Misplaced gratitude is usually thought to be harmless. However it may indicate a lack of respect for other people on the part of the donor and, as importantly, where this motive is known to the recipient, a lack of self-respect on his part.

So much, then, for the conditions when it is appropriate for a person to feel and express gratitude. Where do 'needs' fit into the picture? The conditions above - viz. the recipient must believe that the benefactor's intention is to freely give something that he regards as being of value to the recipient - show that gratitude is not simply the requital for benefits received. It is a response to a certain kind of act; one that the donee believes is motivated by the desire of the donor to help or to benefit him (the donee), for the latter's sake. In its paradigm case, this is to say, gratitude appears to be the response of a beneficiary to what he believes is another person's demonstration of active sympathy towards him.

We can be more precise about the psychological condition of the recipient when he feels grateful. When he feels grateful, the recipient is responding to another individual whom he believes acted for his (the recipient's) benefit and with his interests in mind. This is especially true when a considerable amount of sacrifice or concession has been shown which the donor has been willing to forgo at his own cost or inconvenience. At the same time, a feeling of gratitude indicates also that the recipient has a certain regard for the donor. The former cannot feel gratitude yet look upon the donor as someone who was forced to, or who just happened to have bestowed benefits. At the very least, by feeling grateful the recipient shows himself to regard the donor as someone who is more than merely an instrument to his, the recipient's, welfare.

This suggests that at the heart of our feeling of gratitude is the disposition to reciprocate to another's demonstration of active sympathy towards us. For where the recipient believes that the donor, on his own volition, chose to give something that he regards as valuable to him (the recipient), he must believe also that this is evidence of some level of valuing and caring for him (the recipient) and, to feel grateful, the latter needs to respond to the donor with some level of valuing in return. In other words, having recognised the donor's evident valuing of him, to feel gratitude the donee himself needs to feel some level of reciprocal valuing. By showing gratitude, he shows he values his benefactor, even if this is in the minimal sense of valuing him as more than merely an instrument to his, the recipient's, welfare.

This does not have to be as sentimental a view of the matter as it might sound. One can feel and show gratitude under these conditions, we noted, even when one would have preferred not to have been helped, or when one does not regard the gift or service as a benefit, (although the donor must); or when one does not otherwise like the donor. On

the other hand, feeling and showing active sympathy of any sort is inappropriate, we said, if no indication of caring or valuing on the part of the donor is involved. If Smith believes that Jones has offered to help him only in order to carry on his affair with Mrs Smith, such an offer does not require gratitude. Gratitude, as a reciprocal attitude, is applicable only if Smith believes that Jones wishes to help him because Jones values him as someone worth helping.

We can see here why I wanted to argue earlier, in the analysis of the student's decision to stay with his mother, that a certain aspect of reciprocity is conceptually tied to the need(b) to feel active sympathy. For I am arguing that our concept of gratitude includes the condition of reciprocity. To feel grateful, we need to recognise that our benefactor chose to give us something that he regards as valuable and, in return, we need to respond by valuing our benefactor. And this aspect of the notion of reciprocity may itself be explained in terms of feeling active sympathy. If the student feels the need to reciprocate to his mother's love, to her intentions to act for his good, and so on, this goes beyond a sense of regarding her as someone who is merely useful to his welfare. It can be explained in terms of active sympathy. Recognizing that his mother values him, he values her in return.

I have given content, both conceptually and causally, to the claim that gratitude is based upon a feeling which a normal person has and shows in response to an act of active sympathy of another. This is not to claim that people morally ought to feel this way. Rather it is, firstly, an explanation of a concept. It is an attempt to answer the question 'What do we understand by 'gratitude' when it is used in moral contexts?'. Gratitude requires that in response to his act of benevolence, we feel and show that we value our benefactor. I am not saying that we ought to use 'gratitude' in this way, I am claiming that we do. The analysis does not involve my making or defending any

contestable normative judgements. The latter only occurs when an autonomous judger makes a judgement like "You ought to be grateful to X".

It is, secondly, a factual claim. Ordinarily we approve of gratitude, we disapprove of ingratitude. We wanted to see why this is so. We have established that any person psychologically needs to value and care for others. When, as beneficiaries, we feel and show that we value our benefactor, we meet this need. To stress the point: an act of gratitude is something that matters to us because in feeling or showing gratitude we meet certain psychological needs.

The question arises: Is the need in question to be thought of as a need(a) or (b)? It is clear that someone would still function as a person without feeling or showing they value a benefactor; nevertheless, the concept of gratitude may be explicated in terms of meeting our need(b) for active sympathy. As a matter of fact, we need(b) on the appropriate occasions to feel and behave in the ways I have described. We ail unless we do. On the other hand, we flourish when we feel and show we value a benefactor. By this, I do not mean that flourishing is a state of mind that results when we feel and show gratitude; rather, feeling and showing it, is part of what we mean by flourishing.

We can see this, by considering what the denial would involve; i.e. that a person who never feels or expresses gratitude does not ail. Firstly, suppose that Smith always feigns gratitude when he expresses it; he never actually feels grateful. As long as he is consistent in his behaviour, this would be difficult to discover. However his behaviour would trade on an awareness of how other persons, at least on some occasions, do feel in such contexts; viz. they genuinely feel active sympathy towards their benefactor when they respond to his acts of benevolence. To ask why they have such feelings is tantamount to asking 'Why do persons have the psychological needs that they have?'. If

Smith never feels any gratitude whatsoever when he utters it, he is in this respect, psychologically deficient, rather than morally deficient, as a person.

Next suppose that Smith feels it but he never expresses the gratitude he feels. Let us assume that this is not due to a psychological disorder but, rather, that this is an outcome of Smith's moral point of view. We can show that it is rationally flawed. Let us suppose that he justifies his restraint by pointing out that he is a rugged individualist who always cares and provides for himself and he regards the benevolent acts of others and their expressions of gratitude with moral contempt. "Gratitude" he says "is not required when a person is self-sufficient". One reason why Smith's view might be rationally unsatisfactory is that, even from the point of view of a rugged individualist, it would be an imprudent practice if he cannot guarantee that his own resources will always be sufficient to meet all of his goals. And if what I argued earlier is correct, no one is, or can be, completely self-sufficient. So from a prudential point of view, Smith ought to express the sentiment of active sympathy that he feels. Much more importantly, when Smith's outlook is seen from the wider perspective of the picture of social life implied by the universalized form of his judgements, the moral practices envisaged are extremely implausible. Thus a general answer to the question 'Why ought a person to be grateful?' - if what is meant by this is why should a person ever choose to express gratitude he feels on appropriate occasions - is that when the implications of not doing so are recognized, it is not a matter of choice for a rational judger, (see the argument on pp.344-346 ahead).

More usually the question 'Why ought a person to be grateful?' occurs in cases where someone does not feel gratitude on a particular occasion, usually because they do not like their benefactor and/or the benefit. In such a case, in commonsense morality, we would say: "You ought to

be grateful" giving as the need-reason the fact that the benefactor went out of his way to show his caring for the person to whom the judgement is addressed. Furthermore, we believe that the beneficiary ought not merely to express his gratitude, we believe that he ought to feel it, even where he does not otherwise like the benefactor or the benefit, since the latter has done something for his, the beneficiary's, sake.

Ordinarily we would say that the recipient ought to feel a certain way and, on being shown the reason why, it is not impossible for them to get themselves to do so. If what I said earlier is correct, a normal person has a need(b) to feel active sympathy and can learn to cultivate this feeling under appropriate circumstances. However I do not want to say yet that they 'morally' ought to cultivate such a feeling. I want to say only that the fact that the benefactor went out of his way to show his caring is a prima facie good reason for the judgement 'One ought to be grateful'.

Let us turn now to another commonly accepted moral belief which typically figures in more long term person-to-person relationships, namely, loyalty. How is this reducible to needs(a) or (b)?

3. The need(b) for loyalty

Loyalty is part and parcel of commonsense morality yet it too has received scant attention in the philosophical literature.[149] The loyal person, we would normally say, is one who can be relied upon to support those with whom he is related, (or to the causes to which he has committed himself[150]). His loyalty, at least in the clearest cases, is given to those to whom he feels a strong sense of belonging, such as his family, his friends or, perhaps, to an institution, his country, etc. An act of loyalty, where there are alternative actions available, or if it calls for

a sacrifice on the part of the actor, we think has moral worth.

We believe, particularly, that we morally ought to be loyal to a friend in their adversity. This latter remark is not explained by the baldly uninformative assertion that it is a duty. As H.Sidgwick (1907:223) writes:

> ...the degree in which an act deserves praise as... loyal...does not seem to be reduced by its being shown that the predominant motive to the act was natural affection and not love of virtue as such.

Furthermore, someone who sticks by a colleague merely out of a sense of duty fails to display a sense of friendship. (Again, it is like laughing at a joke out of duty instead of finding it funny.) 'Being loyal' involves not only what we do but also the spirit in which we do it. This does not mean that loyalty is the spontaneous expression of a need that one feels at the time. I might be furious with my friend at the time. Our friendship, nevertheless, demands loyalty of me. On the other hand, if I am disloyal, I appear to devalue the relationship.

Does this always matter to us morally? Let us suppose that Smith is disloyal to Jones and the latter does not learn of this. If Jones isn't harmed by it, does Smith's disloyalty matter? Part of the answer here, surely, is that failure to show loyalty in such circumstances harms the agent himself. For showing loyalty to a friend is partly a matter of self-fidelity. Being loyal is important to one's own integrity. When Smith is disloyal to his friend, he fails to show respect for his own person.

However I do not think that we would say that acts of loyalty are good <u>simpliciter</u>.[151] There is always a danger, for instance, that a person's sense of loyalty blinds him to other needs that, in the circumstances, outweigh the needs upon which loyalty is founded. Sometimes, for instance, it can completely block self-determination. Thus people can display heartfelt loyalty to a tyrant (who may well have set out to create this response in them, by distorting facts,

suppressing contrary opinion, etc.). What such loyalty can indicate is a lack of self-respect, and a lack of respect for other people on the part of those who insist on it. Although, in extreme cases, we would be inclined to say that blind obedience to a tyrant is not loyalty but fanaticism.

A second kind of case where we would question the claim that loyalty is an intrinsic good is where the loyalty in question is given to an evil cause, such as one that demands injustice or cruelty. Most Nazis, for instance, were loyal to their cause and most of us would say that it would have been better had they not have been. However we might say here that the capacity to be loyal, even to a bad cause, is better than having no such capacity at all, presumably for the good reason that loyalty already exercised to a bad or indifferent cause may subsequently be used in a good cause; whereas if one had no sense of loyalty at all, it could not be used for good.

Unlike fanaticism or devotion to an evil cause (where the loyalty involved goes beyond what can be regarded as morally due from a person), we do appear to think that it is required where the loyalty in question is to a friend who has behaved immorally. At least, I think that we would be inclined to say that there is an admirable side to the person who shows loyalty of this kind. There are empirical explanations for this. We are told that a great many of our particular loyalties are genetically transmitted; it is suggested, for instance, that loyalty we feel to a family group is the result of the sociobiological effectiveness of group defence, group feeding, etc.[152] This may be so. However we want to know if there is a rational foundation to the acts of loyalty we think are morally justified. We want to know, in particular, if the moral belief that we ought to be loyal to a friend in his adversity, can be justified in terms of the needs(a) or (b) of a person? To see that loyalty can be explained in this way, we have to look,

firstly, at the kind of relation in which one person stands to another in the context of friendship.

I will assume, but not argue, that we have a need(b) for friendship. Of course the kind of friends and the kinds of friendship we like vary immensely. We noted earlier that some people are gregarious and outgoing and like a large circle of friends, while others are not so sociable and prefer cooler relationships with their acquaintances. And some human beings are deprived of friendship altogether - or deprive themselves of it - yet they continue to function. But none of these differences disturb the claim that we need(b) friendship, viz. the claim that for a person's life to be fully satisfactory, this need must be met. We need(b) others to whom we feel a sense of belonging.

It is the character of this relationship, friendship, which helps to give substantial content to the sense of loyalty we feel. Let me try to show this. When Smith and Jones are friends, this indicates certain things about the emotional states of Smith and of Jones. To be Jones' friend means that Smith recognizes his friend's worth as a person, that he cares for Jones for his own sake, that the relationship is not valued merely as a useful instrument for Smith's own ends. This is most obviously expressed in certain of Smith's attitudes; (once again, these are attitudes that can be distinguished by their functions). Since Smith and Jones are friends, Smith will act for Jones' well-being, (and vice versa). Each of them will co-ordinate at least some of their own projects with those of the other. No doubt they will have shared confidences and they will have lowered other emotional barriers, (which, presumably, they erect against non-friends), each believing that they can rely on the other, and so on.

We can see here some of the features of the sentiment of active sympathy; e.g. the recognition by each, of the other's worth as a person. In recognising such worth, Smith is not necessarily ascribing it to a property or set of qualities,

(like Jones' amiableness or kindness). He will care for Jones for Jones' own sake and not necessarily for any clear reasons. Once again, the underlying sentiment here appears to follow naturally from psychological needs to be found in any person. As far as I can see it is not grounded on anything more ultimate.

These are empirical claims about psychological features in human nature. Perhaps, however, they can be restated as conceptual claims. Someone who doesn't understand that the account above is, in part, a definition of friendship, has failed to understand friendship. To feel no such positive sentiments - such as belonging, trust, active sympathy - robs a so-called friendship of content. To regard a friend merely as a useful instrument for one's own ends, or to ask 'On what it is based?' or 'For the sake of what does it exist?' of the relationship, is to miss an important point. Thus A.MacIntyre (1966:80) writes of Aristotle's discussion of friendship:

> ...his catalogue of types of friend presupposes that we can always ask the questions, On what is this friendship based? for the sake of what does it exist?

If we have understood the concept of friendship, MacIntyre suggests, we would not raise this type of question.

Let us return now to the capacity for loyalty. It is not founded just on any casual relationship between persons. It is, rather, the special character of the ties that bind individuals together in, for instance, friendship that provides the basis for loyalty. Once again this is not necessarily a matter of recognizing a property or set of qualities in the other person. It is, rather, a manifestation of the need to belong, to trust, and for the active sympathy we feel towards another person in such a relationship. So understood, loyalty indicates an attitude and a sentiment in oneself, towards a friend. However there is more to the matter than this.

Earlier we noted that it is through our relationships with others that we define ourselves. My wife, my children, my friends, all contribute in varying degrees to my sense of who I am. Thus my friendship with the reprobate, along with all my other commitments and loyalties to other individuals, helps to define my identity. Also I claimed that the unity in one's life may be found in friendships. For many of us, this kind of relationship with other people helps to give our life a meaning. This is not to say that when we act loyally we do it in order to retain our sense of identity, or in order to give unity to our lives. It is to say, rather, that the fact that these relations are a part of one's identity, and part of what gives meaning to one's life, finds its natural expression in one's willingness to show loyalty. It is for such reasons that one gives loyalty to him in his adversity, even when the friend is a knave.[153]

These are empirical claims concerning the source of a value that is usually placed on loyalty in friendship. However they too can be restated as conceptual claims. For instance, we would say that someone who doesn't understand that to show loyalty is - at least in part - what friendship means, or who did not display this capacity at all to a friend, has failed to understand friendship. The point is: 'being loyal to him in his adversity' is part of what is meant by being a friend. Thus "I am his friend after all" might be said to explain to others an act of support that otherwise might seem unintelligible. But saying this does not state the ground for the friendship, rather it follows from what is involved in being a friend. Loyalty to one's friend, it is assumed, is part of what it is to be a friend. One stands by a friend just because he is a friend. I am suggesting that when we probe this belief further, we find that it is because in friendship we satisfy underlying needs(b) for a robust sense of our own identity, (unity, belonging), we meet our need to trust and be trusted and for

active sympathy. This explains why loyalty in friendship matters to us morally.

However 'because he is my friend' does not entail the moral judgement 'I morally ought to be loyal to him'. There can be conflicts of loyalties. Smith's loyalty to his wife can conflict with loyalty to his friend Jones. Or if the act of loyalty requires the exclusion or subordination of his other needs, we might say that loyalty is misplaced. Where a moral judgement is based upon such a need-reason, the latter only presumptively implies the former. Thus to support a judgement 'Smith has not behaved as he morally ought to Jones' a prima facie good reason we can give is 'because he has been disloyal' or 'because he has broken the trust Jones gave him as a friend'.

There are more difficult reductions to perform. How are we to explain our moral approval, for instance, of promise-keeping? Where the fact that Smith promised to repay Jones is the reason for the judgement 'Smith ought to repay the money', how can this judgement be said to be based upon needs?[154] To answer this question I want to contrast my account with three different accounts of promising and, hopefully, to indicate the superiority of the needs thesis.

4. Three accounts of promising

The first account, (a), is the view associated with D.Hume[155] that the rule of keeping promises is not itself a moral principle but is, rather, a convention. Hume (1739:253) writes:

> ...promises have no natural obligation, and are mere artificial contrivances for the convenience and advantage of society.

Promise-keeping cannot be explained in terms of a natural motivation. It is, rather, an artificial virtue.

(b) A second, different response is that there is an entailment between the fact that someone promised to do something and the moral judgement that, ceteris paribus, he ought to do it. If Smith promised to repay Jones the money

then Smith placed himself under an obligation to repay Jones, therefore Smith ought to repay Jones. This celebrated argument is associated with J.Searle (1967:101-114).[156]

(c) A third alternative to the needs-thesis account of promising is the relativist view, a view that we are pinning on D.Z.Phillips and H.Mounce (1970:11-17).[157] This argument runs: people in different societies can differ in their attitude to a statement like 'I hereby promise to repay you, Jones, the money'. If Smith lives in society A, where promise-keeping is a moral practice, by uttering the statement he will place himself under an obligation. However this might not be the case for a person in another society B. For the concept of 'a promise' may not function in the same way within the moral practices of B.

The accounts (a)-(c) are not necessarily independent of each other. For instance, someone might well hold (a) and (c) together; i.e. although it is a moral convention in our society, there is no a priori limit to the conventions that different societies may hold and there could be a society without a moral practice of promise-keeping. Each of (a)-(c), however, is antithetical to my view of the matter. I will reject each of them and by doing so, hopefully, we will see why a needs thesis is to be preferred. Let us start with (a).

(a) The main psychological principle which Hume applies in all of his descriptions of moral approval and disapproval is a distinctive kind of pleasure and pain. Actions which give rise to this distinctive feeling of pleasure we call virtuous; those which give rise to pain we call vices. He writes (1739:54)

> The very essence of virtue...is to produce pleasure and that of vice to give pain.

Not all acts of promise-keeping, however, can be associated with pleasure for the agent or for anyone else concerned. So the obligation to keep promises presents difficulties for

Hume. His answer is that the obligation derives from an artificial convention.[158]

In fact Hume does consider a natural motive on which to base our moral approval of promise-keeping. Self-interest might naturally motivate a person in this regard. Hume's argument, briefly, is this. People are not easily induced to do things for others. They do assist, but only in expectation of a return. Hume (ibid:249) describes the matter thus:

> Your corn is ripe today; mine will be so tomorrow. It is profitable for us both, that I should labour for you today, and that you should aid me tomorrow.

Now if a person did not keep such a promise, others would no longer trust him and would not enter into agreements with him. So he would not get their help when he needed it. To revert to our example, if Smith does not keep his promise to repay Jones, it might not be in his self-interest. With a tarnished reputation, he would be no longer trusted and, in the long run, Smith could very well be worse off than he would have been if he had kept his promise.

However these are prudential reasons. His concern for his reputation or long-term self-interest would not explain why we believe that Smith morally ought to keep this promise, or why we believe that he ought not to have made a false promise to repay Jones. Long-term self-interest does not explain the sense of obligation. Furthermore, if Smith is persuaded to keep this promise only because he fears the consequences of being found out if he doesn't, then he will not be motivated on every occasion on which compliance is required. He will not be motivated especially in those cases where he is confident that he can get away with it. If he knows that Jones is forgetful and that he will not get found out, why should it be in Smith's self-interest to keep his promise, as opposed to simply doing whatever is required to get Jones to believe that he will keep it? Unless Smith is inept or unless he and Jones live in a particularly vigilant community, if he knows that he can get away with

it, it could often be in Smith's rational self-interest to make false promises. Hume was aware of this difficulty. This brings us to Hume's substantive account of promising. Although a person does not have a natural motive which would lead him to keep every promise, Hume argues, it is in any person's rational self-interest that there should be a social convention of promise-keeping. Without it, any person will be worse off. He writes (ibid:245)

> ...a promise would not be intelligible, before human conventions had established it; and...even if it were intelligible, it would not be attended by any moral obligation.

The belief we share that a promise ought to be kept, Hume says, can be explained and justified in terms of a mutually advantageous social convention.

Why should anyone invoke such a convention and feel committed to it? The short answer is, for the benefits and mutual advantages which result from keeping it. Experience leads each of us to see that it is in each individual's own interest to accept certain conventions, such as each helping the other harvest his corn, or pulling together in the same direction when we are in a rowing boat. Similarly it is the mutual advantage which leads us to accept a convention like promise-keeping. There is a recognition by both parties, the promiser and the promisee, of the desirable consequences when such a convention is kept. Hume (ibid:250) writes:

> ...when each individual perceives the same sense of interest in all his fellows he immediately performs his part in the contract, as being assured of that they will not be wanting in theirs.

We can explain the judgement 'Smith ought to keep his promise to return the borrowed money to Jones' in the following way. When Smith made the promise to repay the loan, by saying "I promise" or some equivalent phrase, he indicated that he was making use of a convention. And the rational justification of why this promise should be kept is the mutual advantages which result, for Smith, Jones, and for society as a whole, where the convention of promise-

keeping is adhered to. Thus we might explain our belief in the virtue of the convention of promise-keeping as resulting from mutual self-interest.

Is this explanation of promising satisfactory? I think not. For instance, it still will not do as an adequate explanation of why we would want to say that Smith ought to keep this promise to Jones. If Smith simply follows the promise-keeping convention because he believes that the whole institution will collapse (and all of the advantages that go with it) if he does not always act in accordance with it, then his belief is false. There is no particular act - at least there is not one that I can think of - upon which it could be plausibly said that the convention of promise-keeping crucially depends. Certainly it is not Smith's promise to repay the loan to Jones.

Hume sees this. He writes (1751:260-261) about a sensible knave who, on a particular occasion, thinks that an act of false-promising

> ...will make a considerable addition to his fortune, without causing any considerable breach in the social union or confederacy...(the knave) observes the general rule and takes advantage of all of the exceptions.

Smith might be just such a sensible knave. Although it is difficult to see, on the argument Hume has offered, why the man who indulges is this line of reasoning should be called a knave. If everyone else observes the convention of promise-keeping, Hume has not given 'the knave' a rational self-interested reason why he should keep this promise. However that seemed to be what Hume's argument was meant to do. Hume admits (ibid) that it is difficult to give an answer to, what nowadays we would call, a free-rider.

> I must confess that, if a man think that this reasoning much requires an answer, it would be a little difficult to find any which will to him appear satisfactory or convincing.

But this, I suggest, is due to Hume's (and similar) unconvincing accounts of promising.

I mentioned earlier two other explanations of promising. One of these (b) is J.Searle's claim that there is an entailment between the reason e.g. 'Smith promised to repay Jones the money' and the judgement 'Smith ought to repay the money'. Let us consider this. Suitably adapted, Searle's (1967:102) argument runs:

(i) If Smith uttered the words, 'I hereby promise to repay you, Jones, the money'

(ii) Smith promised to repay Jones the money.

(iii) Smith placed himself under an obligation to repay Jones.

(iv) Smith is under an obligation to repay the money.

Thus

(v) Smith ought to keep his promise to repay Jones.

Each of the statements (ii)-(v) follows from the previous one. However the initial statement (i) is factual whereas (v) is a value judgement.

Searle claims that the relationship between (i) and (v) can be shown to be one of entailment. He writes (op cit)

> ...the additional statements necessary to make the relationship one of entailment do not need to involve any evaluative statements, moral principles or anything of the sort.

The kind of additional statements he appears to have in mind are straightforwardly factual ones like e.g. Jones has not released Smith from his obligation. In other words, from the fact that someone promised to do something (i), it follows that, ceteris paribus, (v) he morally ought to do it. To make a promise entails an obligation to keep it. Someone who does not recognize the transition does not understand the institution of promising.

However R.M.Hare (1964(b)) and others[159] claim to understand this institution yet they deny that the relation between (i) and (v) is one of entailment. They argue that the relation between (i) and (v) will have a different significance depending on whether a person views it from inside or outside the institution of promising. As we shall

see, I agree with this view. However, I will argue that this does not imply what Hare and the others take it to imply. According to Hare, for instance, it is a matter of choice whether or not one is committed to the institution of promising and thereby accepts the principle 'One ought to keep promises'. He writes (ibid:124)

> Unless a sufficient number of people were prepared to assent to the moral principles which are constitutive rules of the institution of promising, the word 'promise' could not have a use.

Only if one chooses to be committed to the institution of promising does one accept the argument (i)-(v) above.

We are faced again with the question: what does 'being prepared to assent to principles which are rules of the institution' involve? How does a chooser so assent? I can choose whether or not to keep this or that particular promise; in moral conflicts, I can regard promise-keeping as more important than other conflicting moral beliefs, and so on. But how exactly does an individual commit himself to the institution of promise-keeping? Can one stand, as it were, outside such institutions and take one's pick? If so, the situation which is suggested is not a familiar one to me. If it is a genuine choice, presumably, one might choose to regard promise-keeping with moral indifference, or as a vice. Consider the latter: a person chooses to assent to the principle 'One ought never to keep promises'. This would be a curious moral decision for someone to make. For a start, obviously, a promise like that made to oneself would be self-contradictory. And even if the choice is restricted to promises made to others, could a person ever detach himself sufficiently from all of the various social relationships in which promise-making occurs, in order to make a (rational) moral choice in favour of never keeping his promises? I think not. As I said earlier, though one can in principle criticize any established moral belief, I just do not see how one could make the unencumbered autonomous choice not to keep any promises. So it is by no

means clear what Hare's 'assenting to the moral principles which are constitutive rules of the institution of promising' amounts to.

However the point might be pressed that at least we can imagine that there could be another society where what we call promise-keeping is regarded with moral indifference or as a vice. This bring us to our third account of promising (c).

Consider the moral practices of the Cretans - which, for reasons to be given shortly, are members of a rogue species that are a human look-alike - in which the concept of promising does not have the place within it that it has for members of our society. Phillips and Mounce (1970:15) tell us:

> For such a person, (a Cretan), who does not belong to the practice of promise keeping, saying that one will repay money has no relation to the judgement that one ought to repay it.

Phillips and Mounce conclude that this is perfectly intelligible and it shows that the concept of a promise need not have the place within one moral practice that it has within another. Searle's account, it seems, needs to be located within the broader account of the moral practices of a given society. For the way we respond to the alleged entailment in the argument (i)-(v) will depend, in this sense, on whether we view it *from* the *inside* or the *outside* of a certain type of practice.

Phillips and Mounce suggest that this means that our logical entailments might differ from the Cretans'. This seems to me to be an odd claim.[160] I fail to see how anyone can say "A logically entails B" and, in the same breath, "It is not the case that the same A logically entails the same B". If they maintain that for **us** there is a logical entailment between (i)-(v), they have to accept that when the Cretan says "I promise" he must mean something quite different from what we mean and, thereby, the moral beliefs which are (or are not) entailed, differ.

However, let us assume that both Cretans and you and I mean the same thing when we say 'I promise to repay the money' and let us suppose that instead of entailment, there is a different relation (like strong presumption) that holds between (i)-(v). Are we able to say that there is no a priori limit to the forms that Cretan and our moral practices can then take?

Our example is slightly more complicated, of course. When Smith promised to repay Jones, he was lying; he was lying not merely about his present intention but he was making an intentionally false statement about his future behaviour. There are differences between this and a straightforward case of promise-breaking. In the latter, where someone makes a promise which at the time he intends to keep but he does not do so, we disapprove - though ex hypothesi the Cretans do not - of his not doing what he said he would do. Our obligation in the case of promises is to keep them. In the case of a lying promise we disapprove, also, of his not telling the truth. We believe that there is an obligation not to promise what one does not intend. The Cretans, we are told, do not.

Are we able to say that while to make a false promise is wrong in our moral practice, Cretans might differ in their moral attitude towards it? Could their society be one in which there is a moral practice of false-promising?

5. Lying and false-promising

I want to argue that a moral practice of false-promising, regarded as a norm, is logically possible. To see this consider, first, the case of a society in which false statement-making is the norm and true statements are the exception. According to most philosophers, this would result in the breakdown of language. I agree. False statement-making must be exceptional for a language to continue to exist. But why is this so? Some writers maintain it is because a norm of true statements is a

logical necessity. An exponent of this view is P.Winch. He writes (1972:61-62)

> ...one can say that the notion of a society in which there is a language but in which truth-telling is not regarded as the norm is a self-contradictory one.

Any natural language, including the Cretans' language, will contain within it the distinction between true and false statements; and for the distinction between true and false statements to be possible, there must be the general adherence to the norm of making true statements. However these are logical claims, Winch tells us, not merely invariable, though contingent, empirical claims. A norm of truth-telling is a logical necessity.

To see that this is so, he asks us to consider the case in which, per absurdum, what we now call false statements are always made as if they were true statements and vice versa. So that everyone always states what is false. In such a social practice, Winch (ibid:62) claims:

> All that would happen is that statements would come to be taken in the opposite sense from that which they now carry.

If they did not know that they were always making false statements, users of the language would discriminate between truth and falsity as we do but their and our statements would systematically contradict each other.

But Winch is not considering here the case he says he is considering, which concerns a society where false statement-making is merely the usual practice, i.e. the norm. If making false statements was their norm, since there would be no way of discriminating between truth and falsity, Winch is committed to saying that, as a matter of logic, there could be no statement-making and there could be no communication.

Let us suppose that the Cretans usually state what is false; i.e. false statement-making is their norm. Would this entail a break down of their language? Surely in the Cretan community, questions, greetings, curses, etc. might go on as usual. Also, as far as I can see, pace Winch,

users of the language might still be able to discriminate truths from falsehoods. The statement-making feature of their language might eventually break down, but not for a few generations, (especially if there are memories of a previous 'true statement-making norm' to fall back on). It would eventually break down however, not as Winch says, because the notion of a language in which truth-telling is not the norm is self-contradictory but because of practical difficulties. For instance, the connection between the words they use, their environment and their statement-making purposes, would be frustrated more often than ours. Further, when statements are presumed to be true it is then possible for any speaker's utterance to be taken in a certain way by other people. On the other hand, if utterances are presumed to be false, it would be more difficult to see how any but the most clever language-users would keep a grip on anything but a few factual statements. I can think of no a priori reason, however, why a sufficiently acute Cretan could not master this aspect of the language.

The argument above applies, mutatis mutandis, to truthfulness. Like true statement-making, the presumption of truthfulness is also, as a matter of fact, a norm. We cannot equate truthfulness, however, with making true statements. I do not exemplify the virtue of truthfulness every time I say something that is true. When I am being truthful I intentionally state 'how I believe things are' (so to speak), even though this might not be welcome to myself or my audience. On the other hand, when I am untruthful, I intentionally make a statement as if this is 'how I believe things are' when I do not actually believe this at all. Incidentally, this is not to use language incorrectly. One has to use language correctly in order to tell a lie. Only if Jones understood Smith's lie is he in a position to believe it.

Is the norm of truthfulness a general presumption or is it a logical necessity? First, to make Winch's point again, if everyone always is untruthful and everyone knows that everyone always is untruthful, their lying statements would no doubt come to be taken in their opposite sense. We are not concerned, however, with a community where lying is universal but where it is the norm. Now I think that Winch is mistaken when he says (ibid:62)

> ...the supposition that telling lies could be the norm and telling the truth a deviation from it is self-contradictory.

Think of the Cretan community as being one in which people know the difference between truthfulness and lying, yet lies are the norm and truthfulness is the deviation. This does seem possible. It is possible, for instance, if every Cretan is too stupid to realize that most of the time, like himself, everyone else is usually lying. The norm of lying seems to be possible, this is to say, in a society in which each member knows that he usually tells lies, yet he too is usually deceived by others but he does not know this.

According to M.Black (1954) the language of such a community would die out. Taken to be a matter of fact, this claim seems to me to be correct. However Black says that this is because an adherence to truth-telling as a norm is logically necessary for a child to learn the language. He writes (1954:45)

> A society in which parents constantly lied to their children from the outset, and in unpredictable ways, would be one in which...it would be impossible for the next generation to learn a language.

Is Black correct?

Surely it would be possible for a child, born to Cretan parents, to learn some of their language. Once again, it may learn Cretan greetings, questions, curses, and quite an extensive set of other forms of communication. He would, no doubt, degenerate pretty quickly as he grew older and tried to fully communicate with other Cretans. The point is, again, the presumption of a norm of lying is not self-

contradictory. The notion of a society in which truthfulness is not regarded as the norm, I maintain, runs into practical difficulties.

Included among the practical difficulties is the fact that the Cretan community would have to do without many of the things which presuppose truthfulness and which we enjoy; like philosophy, science, history, etc. Any book that purports to be history, for instance, is implicitly understood not to be telling lies. Neither would members of this community have anything like the range of moral traits of character we enjoy. The Cretan's character, as we shall see, would have to lack integrity, honour, self-fidelity, trust, responsibility and similar traits. These are quite fundamental things to be without. I will return to this point shortly.

How does all of the above apply to the particular case of false-promising? The answer, I hope, is obvious. I can see no a priori reason why false-promising should not be the norm in Cretan society. This too is possible, for instance, if every Cretan is too stupid not to realize that most of the time, like himself, everyone else makes lying promises. As there would be no way of distinguishing between truthful and lying promises, no doubt this would lead to a cessation of promise-making in general. However this is not a matter of logical necessity.

In the light of this, Searle is wrong if he thinks that his argument necessarily applies to all logically possible practices. The relation between (the Cretan) Smith saying (i) 'I hereby promise to repay you, Jones, the money' and (v) the judgement 'Smith ought to keep his promise to repay Jones' will have a different significance depending on whether a person views it from inside or outside the institution of promising. In Cretan society, where we know that it is the norm for everyone to make lying promises, if Smith says (i) we do not need to understand by this that he has put himself under an obligation to repay the money.

However I do not mean by this that we could contemplate the Cretan practice and then choose to adopt it, à la Hare. And I do not want to say either, with Phillips and Mounce, that the presumption of promise-keeping happens to be a moral practice in our society, but not necessarily the moral practice in another human society. To understand why this is so, we first have to see why we believe that the practices of false-promising and promise-breaking are morally wrong. It is time now to consider my account of promising based upon needs.

6. Promise-keeping based upon underlying needs

To see that an account of the moral belief 'One ought to keep promises' can be based upon needs, we have to ask firstly: what does the act of making a promise to another person involve? There are certain typical assumptions which someone makes when they give or receive a promise. First of all,

(i) the promiser assumes that the thing promised is wanted by the promisee.

The thing promised, however, may not be something that the recipient actually wants. V.Peetz (1977:579) mentions such a case where she does not want an unsolicited item her neighbour promises to give to her

> ...but I do not want to offend my neighbour; so I do not reject her promise.

This shows that the promisee does not have to want the item promised. But it does not affect the promiser's assumption; her neighbour assumes that Peetz wants the thing promised.

It is not clear, however, that (i) is a necessary condition. After all, one can speak of 'promising to punish an offender' and, clearly, the promiser knows this is not wanted by the recipient. Nevertheless (i) is the usual assumption when making a promise.[161] In most cases we assume that the recipient actually wants, or has an interest in, the fulfilment of the promise; and that the promiser knows this. Accordingly, to make a lying promise to someone is to

recognize that the person wants, or has an interest in, the thing in question. When Smith promises Jones to repay the borrowed money, the repayment is something that Smith knows that Jones wants.

In passing, let us note that it is possible to make a promise without there being another person as promisee. As R.S.Downie (1987:267) writes:

> ...promising is not essentially a social practice since it is possible to promise without there being a promisee...

One can make a promise to oneself, as when I promised myself to give up smoking. This meets condition (i), viz. the thing promised was wanted. If I did not care a fig whether or not I gave it up then it would not make sense to speak of having made such a promise to myself.

A second usual assumption we make, when we give or receive a promise, is that

(ii) the utterance of a locution like 'I promise...'

(a) expresses the promiser's present intention and

(b) is a statement about his future behaviour.

When Smith says to Jones "I promise to repay the money" it is usual to regard Smith's utterance as expressing his current intentions about his future behaviour. Smith's statement of his intention will strengthen Jones' assurance that he will so behave in the future, i.e. the loan will actually be repaid. To make a lying promise, on the other hand, is to speak with the appearance of expressing such an intention but without actually so intending.

There are plenty of ways of stating intentions without making a promise. So how do we recognise a promise from the wider set of intentional statements? One obvious way is by the utterance 'I promise...' (or a similar locution). In uttering 'I promise...' the speaker emphasizes his commitment to do whatever he says he will. In uttering 'I promise...' to Jones, Smith wants Jones to recognize this sort of commitment. Jones' assurance will rest, in part, on the idea that Smith will feel pretty strongly that having

promised to repay the loan, he ought actually to do so. So a third usual assumption when we make or receive a promise is that

(iii) the force of a speaker's commitment can be recognized by his use of a locution like 'I promise...'

The phrase 'I promise...' is not crucial here. Smith might equally well have said 'I assure you that...', 'I will...', etc. Let it suffice to say that it is necessary for the speaker to make an utterance bearing a similar illocutionary force to 'I promise...' for his utterance to have the level of commitment we find in promising.[162]

Finally, we assume that the intention of the speaker by making the utterance 'I promise...' (etc) is

(iv) to create a relationship of reliance and trust between himself and the promisee.

The speaker intends to show not only that he is in earnest but that he desires to be relied upon or trusted. By saying 'I promise...' the promiser wants it to be understood that he can be counted upon to keep his word. He thereby creates a (self-imposed) relationship of trust with the promisee. The promisee can count upon him to do something because the he said he would. A false promise trades upon such a relationship.

Let me put the conditions (i)-(iv) above in a different way. The repayment of the loan is something that Jones wants and from the fact that Smith said "I promise..." (i.e. from his understanding Smith's present intentions), Jones expects that his want will be met. Should Smith then not return the money, Jones will be put out, and justifiably so. What justifies Jones' resentment? You can say that you intend to go to the theatre tomorrow. On hearing this, I may want to come with you. I might even feel resentment if you refuse to let me accompany you. In this case, however, the resentment is not justified.[163] For although it involves my wants, when you stated your intention (to go to the

theatre) you did not make a promise to me and thereby create the expectation in my mind that you will let me accompany you. It is a locution like 'I promise' which shows that the speaker intends to meet the promisee's wants, that he is in earnest and that he desires to be relied upon or trusted. It is the fact that one breaks this trust that gives rise to the subsequent resentment.

Before we turn to the matter of needs, I have two further points to make. Firstly, I am suggesting that (i)-(iv) are the conditions that we usually assume when making promises to one another. What are the conditions when there is no promisee and therefore there are no expectations or trust of another person involved? I think that the answer is, as Downie (op cit:269) suggests:

> By stating one's intentions (to oneself) by means of certain words, like 'I promise'...one is signalling the point that the projects in question are essential to one's total concerns.

Carrying them out then becomes a matter of self-fidelity or personal integrity. One feels that one has let oneself down if one breaks a pledge to oneself.

Secondly, if to promise someone something is to create an expectation in their mind that one will keep the promise, what if the other person does not expect this, or does not remember that a promise has been made? Does this effect our normal belief that one ought to keep promises? If the point made earlier is correct, one cannot necessarily regard oneself as excused. The promisee's expectations do not, in every case, explain the binding force of promising. Neither does the fact that the promiser is released from the promise by the promisee. Suppose that Jones sees that Smith will be under considerable pressure to repay the money on time and Jones says: "Don't worry. Forget about the money". Smith may not regard himself as excused. Any more than he is excused from returning the money if Smith discovers that Jones is a notorious cheat. Carrying out a promise, as we have noted, is also a matter of self-fidelity.

Let us turn now to the claim that a knowledge of the psychological needs involved allows us to understand the harm of false-promising. How does making a false promise, or breaking a promise, violate needs? First of all there is the harm to the promisee's material interests, due to his failure to receive whatever was promised. To make a false promise, or to break a promise, is to positively undermine his justified beliefs about certain future states and, thereby, it could well undermine his current or future projects. This indicates a lack of concern for his self-determination and it shows disrespect for the recipient. Secondly, to make a false promise, or to break a promise, is to break a relationship of trust. By saying 'I promise...' I assured the other person that I can be counted upon to keep my word, that he can put his trust in me. By breaking the promise, I weaken or destroy this trust. And in this way I show also a lack of active sympathy for the needs of another person. Thirdly, to break a relationship of trust is not merely to harm the other person, it is to harm one's own needs(b). Carrying out promises, we noted is a matter of self-fidelity, personal integrity, or honour. Promise-breaking shows a lack of self-respect. It is, so to speak, destroying one's trust in oneself. The above, in a nutshell, is why promise-breaking matters to us.

The claims above become clearer, I think, when we consider Phillips' and Mounce's suggestion that there could be a society in which promise-keeping is morally irrelevant. What Phillips and Mounce have to show is that the same matters of fact, i.e. (i) Jones wants the money back, (ii) Smith expressed his intention to repay, by (iii) uttering "I promise..." and that (iv) this set up a relation of trust between them, could give rise to (totally) different moral practices. Given the conditions (i)-(iv) the presumption follows in our society that Smith ought to repay the money but, what they must show is, it does not for Cretans.

Given (i)-(iv), if in Cretan moral practices Smith is not morally obligated to keep his promise to Jones then, I said, the Cretan will have traits of character radically different from our own. In the first place, presumably, Jones, the Cretan, who has been misled by the promise, (i.e. he has been misled into believing that Smith was telling the truth about his intentions), will feel no resentment against Smith. This would be abnormal but a logically possible state for a human personality. But this is only the beginning of the problem. It is part of our understanding of promising that its fulfilment is usually something that the promisee wants. How can Jones be said 'to want' if he is never troubled by the non-fulfilment of a promise? Perhaps it is in a Cretan's nature to be troubled but to feel no resentment? The Cretan nature would have to lack other sentiments also that are needs for persons, such as reliance and trust. It would never occur to a Cretan that he might depend upon another person to do something, when the latter promises that he will do it. They would differ from us also in lacking a sense of responsibility, integrity, honour, self-fidelity. These are quite fundamental character traits to be without. If what I argued in the earlier chapters is correct, it is doubtful, at the end of all of this, that we are still talking about a person.

Neither could the difference between Cretan society and ours be explained, à la Phillips and Mounce, as merely a matter of the former lacking an institution which the latter possesses. It would mean that a whole range of social relationships and institutions that we enjoy, based on trust and reliance, do not occur in the Cretans' way of life. As M.Midgley (1979:303) says:

> We want deep and lasting relationships. And because these are often difficult, we "bind ourselves" in all sorts of ways to go through with whatever we have started...

Marriage is one such arrangement, so are other relationships that we find in family life, friendship, co-operating with neighbours, playing games etc., in fact any form of reciprocal relationship based on mutual trust or reliance. In such relationships we bind ourselves with vows, promises, agreements, understandings. Presumably the Cretans do not go in for deep, lasting, or even casual relationships.

In a wider perspective, the practices of Cretan society would be such that, to paraphrase Hobbes (op cit:100), there could be no place for industry; no culture of the earth; no navigation, nor use of commodities that may be imported by sea, and so on. At best, the economic condition suggested would be one in which there are no scarce resources, an abundance of individual strength, intelligence, energy, skill, so that people do not need to co-operate or rely upon each other at all. These are not merely superficial differences between our and their practices and institutions. The Cretans would have to do without most things that are essential to society as we know it. This may be an a priori possibility but not an actual condition of a human society.

In other words if, as Phillips and Mounce suggest, the Cretans are people who have a language in which they can state what they want and what they intend to do, and in which relationships of trust and reliance are established by the utterance of "I promise..." (or an equivalent phrase); if they feel resentment, or guilt, when they are let-down or let another down, then to meet the needs described the Cretans will have a moral norm of promise-keeping. Or more cautiously, it is difficult to imagine what conditions Phillips and Mounce have in mind which might suggest that they do not.

I have analyzed the concept of promising in terms of (i)-(iv). And I have claimed that when it is so analyzed, 'keeping promises' matters to us morally because it meets the psychological needs(b) that we have for trust and mutual

reliance and the need(b) for active sympathy; whereas promise-breaking matters to us, since it frustrates these needs. Again, I do not want to say here that it should matter morally to us. However I do want to say, even in the Cretan moral practice, that 'Jones trusted Smith to repay the money' is a prima facie good reason for the judgement 'Smith ought to keep his promise to repay Jones'.

Let us now turn to a commonly accepted moral value which typically figures in our larger scale attachments, namely our everyday conviction that there is a duty to be just, or fair. What exactly does this involve? How can a commitment to this moral value be explained in terms of needs?

7. Rawls on a sense of justice

We do not have to start from scratch. The idea of justice, as fairness, has been discussed in detail by J.Rawls (1972). He suggests that our commonsense principles of justice can be identified and justified, if we employ the decision procedure he calls 'the veil of ignorance'. So let us look at this.

To use the procedure, Rawls tells us, each person must attempt to make a decision about the principles for governing the social and economic system that he or she favours, while imagining themselves to be ignorant of their present social status (class, position), intelligence, talents, wealth, as well as assuming that they lack any knowledge of the course of history and the present conditions of society. In addition, they must imagine themselves ignorant of their own probable status (etc.) in the society after the choice has been made. They would choose, in other words, in ignorance of their own circumstances once the veil has been lifted. Each participant, therefore, should take seriously the possibility that he or she could end up at the bottom of the heap, without any talents, wealth, social status, in the well-ordered society. (A well-ordered society, we are told,

is one in which (a) everyone accepts the same principles of justice and (b) the basic social institutions are known to satisfy these principles.)

Since no rational person would want himself to be deprived of social and economic advantages, Rawls argues that each participant rationally would take care to see that the allocation of such things as social goods, rights and obligations, is as equitable as possible in the society envisaged. If there was a social or economic position markedly worse than others, it is possible that the chooser could find himself in it. Being ignorant - or rather imagining themselves to be ignorant - of their own prejudicial interests, also, they would seek an objective, rational way of arriving at decisions in situations where there are likely to be conflict of interests. In fact, all participants would seem to favour the same principles for governing the social and economic system. This is because each participant would be deliberating in the same manner, with roughly the same information and they would be using the same decision procedure. Rawls suggests that this would lead to a uniform evaluation of the alternatives.[164]

He goes on to argue (1972:60) that two principles of justice that would be selected from the situation described, which he calls the 'original position', would be:

> First: each person is to have equal right to the most extensive basic liberty compatible with similar liberty for others.
> Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage and (b) attached to positions and offices open to all.

Rawls makes a number of modifications to the version above[165] but they need not concern us. Neither will we examine here the reasons why he thinks that the two principles would be chosen by persons in the original position, as their common conception of justice. What does concern us, however, are Rawls' psychological assumptions.

He believes that with his decision procedure, he has described a simplified situation demanding nothing more than the considered, though hypothetical, rational self-interest of each of the participants. Rawls' principles of justice would be chosen by individuals, in other words, who need(a) nothing more than (i) reason, since the choices in question are the considered judgements made in the reflective equilibrium of a veil of ignorance, and (ii) a regard for his or her own hypothetical self-interest; (extending over, perhaps, a larger self, equivalent to a family).

I have two question here. The first question (1) is: has Rawls, in fact, restricted his assumptions merely to hypothetical rational self-interest? I think not. I hope to show, briefly, that Rawls has in fact assumed a prima facie value, namely, self-respect. However Rawls denies this. He claims (ibid:586) that

> ...the notion of respect or of the inherent worth of persons is not a suitable basis for arriving at these principles.

Yet it is clear that Rawls believes that a person who chooses in the original position will seek to preserve his 'self-respect' in the society, once the veil of ignorance has been removed.

To see this consider the case of Smith, in the original position, choosing principles of justice. We noted that the procedure requires that Smith takes seriously the possibility that he will end up being anyone, in any position, once the veil is removed. We are told by Rawls that if Smith is rational, he will choose the First principle. Why should Smith choose equal liberty for himself? It is not enough to say 'on the basis of rational self-interest'. Smith may think that his interests - economic, housing, education, health - would be better served, not by his being 'equal to' but by his being dependent upon others in the well-ordered society. A fool satisfied, rather than Socrates dissatisfied. In these respects, it may be more rational for Smith to choose a

benign oligarchy in which he is on less than equal footing with others. Following from our discussion in Chapter Five, what Smith would forfeit by his being dependent on others in this way, is not captured by 'self-interest' but by the more precise evaluative notion of 'self-respect'. His self-respect, we noted, requires that Smith is self-determining, that he is not overly dependent on others in many of his projects and in other important choices he makes in his life. All rational participants, choosing principles in the way that Rawls describes, will choose in a way which will preserve their own self-respect.[166]

Furthermore, the principles of justice are, in effect, principles which require that one shows equal respect to all members in the well-ordered society. Rawls seems to admit this. He writes (ibid:478)

> ...for one who understands and accepts the contract doctrine, the sentiment of justice is not a different desire from that to act on principles that rational individuals would consent to in an initial situation which gives everyone equal representation as a moral person.

Which seems to say that the whole construction of the original position is designed to guarantee that the self-respect of every participant is preserved.

All of this, of course, is quite compatible with my needs thesis. Justice/fairness, as defined by the original position, can be expressed in the vocabulary of needs. For instance, to choose on the grounds of hypothetical self-interest is to choose, at least, that one's non-volitional needs(a) and (b) for survival, avoidance of injury, self-determination and so on, will be met in the well-ordered society.

This brings us to the second question I mentioned: Given Rawls' psychological assumptions, why would anyone act in the ways demanded by the principles of justice, once the limitations of the original position have been removed? In other words, we want to ask (2): Are Rawls' psychological assumptions sufficient to explain why a person has a motive

for complying with the principles of justice once the well-ordered society has been established? We need to dig deeper to answer question (2). What I hope to show is that our ordinary sense of justice, as fairness, involves the need for active sympathy; which is significantly different from the assumptions Rawls defends.

Let me put the problem raised in (2) another way. Although the decision procedure Rawls offers - asking what principles we would choose, if we had to choose from the original position - is an ingenious way of defining or understanding justice/fairness, it does not seem to give us a reason, or motive, for acting in a just or fair way once the limitations of the original position have been removed. An egoist, for instance, could point out that what he would do if he were in the original position could be significantly different from what he would then do, once the society had been set up. Rawls has to tell us why anyone would act in the ways demanded by the principles of justice, once they are not constrained by the procedural limitations of the original position.[167]

To answer this question Rawls offers another plank of his theory; a psychological plank concerning moral motivation. He recognizes that a theory of justice must relate to actual psychological laws about human motivation. He says (ibid:455)

> However attractive a conception of justice is on other grounds, it is seriously defective if the principles of moral psychology are such that it fails to engender in human beings the requisite desire to act upon it.

To serve this end, Rawls adds to his definition of justice a parallel account of the psychological motivation a person needs if he is to have 'a sense of justice' (viz. to carry on acting in a way that the principles require).

It is here that we find the root of Rawls' difficulty. Having argued that the principles of justice mentioned above would be the ones chosen, on nothing more than the assumption of the hypothetical rational self-interest of

judgers in the original position, clearly he cannot then suggest that the basic psychological make-up of someone with a sense of justice is completely different. So drawing on Piaget, Kohlberg, and others, Rawls attempts to explain 'a sense of justice' as the outcome of rational self-interest. He identifies a three-stage process of psychological maturation, with a corresponding psychological law to each of the stages. These so-called laws are in fact tendencies which, other things being equal, he claims actually apply to the way in which people normally develop a sense of justice.

The First Law is based on the reciprocal love a child will feel for its loving parents, (with the parents laying down moral precepts accepted as authoritative by the child). Rawls (ibid:490) writes:

> First Law: given that family institutions are just, and that the parents love the child and manifestly express their love by caring for his good, then the child, recognising their evident love of him, comes to love them.

Next comes a developing sense of morality, based upon mutual trust and friendship. Given that the child's capacity for fellow-feeling has been realized by acquiring attachments in accordance with the First Law, and that social arrangements are just and known by all to be so, then a person psychologically develops along the following lines, (ibid)

> Second Law:...this person develops ties of friendly feeling and trust toward others in the association as they with evident intention comply with their duties and obligations, and live up to the ideals of their station.

At this stage of his development, we are told, the individual appears to understand the principles of justice but the motive for complying with them seems to be based on ties of friendship, fellow-feeling and the concern for approbation from other members of his community. The individual still lacks a wider, moral sense of justice. He will lack a concern, for instance, for those with whom he has no acquaintance.

Finally there is a third stage with its associated law of moral development. Given that the young person's capacity for fellow-feeling has been realized (in accordance with the first two laws), and that a society's institutions are just and are publicly known to be so, Rawls adds (ibid:491) that the next stage of development is:

> Third Law:...this person acquires the corresponding sense of justice as he recognises that he and those for whom he cares are the beneficiaries of these arrangements. By stage three, a person has developed a mature moral outlook and is motivated to comply with the principles of justice.

One question that arises is why the whole developmental process should get under way in the first place. What, in addition to rational self-interest, is the psychological source of the developing sense of justice? Rawls' answer is that at the two earlier stages of maturation a psychological principle of reciprocity applies. Love, friendship and a sense of justice, arise in us, so to speak, due to our awareness of the intentions of other persons to act for our good. We recognize that they wish us well and, in return, we care for their well-being. Thus Rawls (ibid:494) adds:

> ...we acquire attachments to persons and institutions according to how we perceive our (own) good to be affected by them. The basic idea is one of reciprocity, a tendency to answer in kind.

Initially, a child reciprocates because it receives benefits. In later stages, as an adult, its responses to other persons can be non-self-interested. However, it must be emphasized that the other-regarding sentiment is brought about only by virtue of the adult once having received benefits; for a developed sense of justice, at the earlier stages of moral development, we require 'a return in kind'. Our sense of justice, at the third stage, is thus based upon reciprocity.

I want to make three short points. Firstly, we can see now the two parts of Rawls' theory. On the one hand, there is the argument which shows us the principles of justice a person will identify merely by rationally reflecting upon

his hypothetical self-interest when in the original position; on the other hand, there is a psychological theory which purports to tell us how a person acquires the motive to act justly once the well-ordered society is under way. Our concern is with the latter psychological thesis. Secondly, we should notice that Rawls' discussion of the participants in the original position, is in terms of their hypothetical rational self-interest. In contrast, his account of the psychological basis of a sense of justice is concerned with actual motives of self-interest to be found in infants and which, when combined with reciprocity, develops into a sense of justice. Empirical claims concerning the motive of self-interest are distinct from those which purport to identify what a person would judge to be in his rational self-interest. The former theory is independent of the latter. A third point that should be emphasized is that Rawls has offered a theory of needs that is simpler than ours. To have a developed sense of justice, all that an individual psychologically needs is rational self-interest and reciprocity. He does not need(b) 'active sympathy'. The next question is: is Rawls' account of a sense of justice satisfactory?

8. Justice and the need(b) for active sympathy

Rawls' laws of moral psychology purport to tell us how members of a well-ordered society come by a sense of justice. They apply, presumably, to citizens of much less well-ordered societies like our own. For if they do not, we have no reason to believe that Rawls' just society is possible. It would mean that his concept of justice exceeds anything that we are psychologically capable of attaining. So we ought to be able to test his psychological claims, viz. that our ordinary sense of justice/fairness is based on nothing more than self-interested reciprocity. Let us consider the evidence.

At first blush, there seem to be many contexts where a sense of justice/fairness is demanded, in which self-interested reciprocity (i) does not have any part to play at all and (ii) where the context demands more than self-interested reciprocity. In support of (i), there are some contexts in which Rawls' theory of motivation faces practical difficulties or, in some cases, logical difficulties. One practical problem is to explain why we think, for instance, that our obligation to be fair extends to the wider world community. I mentioned earlier the conditions of drought, famine and disease, suffered by people in the Horn of Africa. Confined to self-interested reciprocity it is not clear why we should ever feel motivated to be fair to these unfortunate people, when there is no practical chance of our receiving any benefits in return. On the other hand, there appear to be logical difficulties for Rawls' theory when it comes to explaining why we should take seriously the unfairness to future generations of today's spoiling of the air, water, and countryside. What could future generations possibly do to benefit us? Another context in which a sense of justice is required yet where it is logically odd to suppose that this is based upon reciprocal self-interest, concerns the fairness we demand in the treatment of animals. Rawls accepts, but does not discuss, that we have duties towards animals (ibid:512)

> ...duties of compassion and humanity.

He would readily agree, no doubt, that these duties need psychological support. The psychological support, surely, cannot be founded on the fact that we have received benefits from them. If this is so, we must call on something other than self-interested reciprocity.

A context (ii) (viz. where it is difficult to see that Rawls account would be a sufficient explanation of a sense of fairness) is when the latter is directed towards certain members of our own community. Even in the well-ordered

society, I presume there will always be those who have not done anything to merit reciprocity. In less well-ordered societies, like Britain, we know that there are some people who do not support the institutions from which they are benefitting, e.g. the so-called "scroungers" in a welfare state, who add to the cost of welfare services and do nothing in return, or those who contribute to the instability of the society by committing crimes.[168] Given only self-interest and the tendency to reciprocate, it is not clear that we - those of us in more advantageous positions - would feel motivated to extend justice/fairness to these individuals. However many people would say, for instance, that as we learn more about the effects of poverty, life in high-density city dwellings, the social pressures on criminals (why they commit crimes), and so on, we can see that to withhold benefits from those who have never supported institutions is quite unfair. A sense of justice requires that these individuals need do nothing in return.[169] The point again is that a commonly accepted sense of justice appears to be based on more than the motives which Rawls has identified.

The additional element we are looking for, moreover, is present even at the earliest stages of psychological development. The other day my three year old daughter saw a dog chase a cat up a tree and proceed to eat the cat's dinner. She was evidently moved by the cat's predicament. She attempted to chase the dog away.[170] How are we to explain her motive to do something about what, presumably, seemed to her to be an unfair situation? She had no reason to think that she had benefitted from the cat or ever will. Reciprocity is out of the question. What would Rawls' theory require in order to describe the psychological make-up of someone like my daughter? A plausible explanation, I maintain, is that her conduct was motivated by her active sympathy for the cat. Furthermore, I have every reason to believe that like most normal children even

at that age, her capacity for sympathy extends to most other sentient creatures, including other human beings.

Where are we to say that this capacity - to show active sympathy in the absence of benefits received - originates? We might agree with Rawls that the child would not be sympathetic towards others unless her parents, or some other adults, showed her similar sympathy. This is to adapt Rawls' First Law. Supplemented with sympathy, Rawls' account of the second stage of moral development could also be different. According to Rawls, young people do not have a sense of justice at this stage, even though they understand the principles and their application in society. It seems more plausible to argue that there is quite a developed sense of fairness at this stage in the development of most children. It can be seen, for instance, in their willingness to take their turn in games, or to share with others, or to play their part in a joint endeavour, while faulting others who are not doing so.

What prevents Rawls from recognising such conduct as signs of a developing sense of justice? I think the answer is that because such conduct is usually restricted to close relationships, it does not have the breadth required by a sense of justice. My daughter's friendly feelings and trust is usually to be seen in her relationships with her family and friends. This is true. However it would be wrong to suggest that she cannot apply considerations of fairness to others and extend this to unknown others, when the occasion arises. Given the capacity for active sympathy, the child need not believe that these unknown others have promoted her good, or that they can be expected to do so in the future.

Introducing sympathy at this earlier stage, moreover, would allow for a more gradual development of a sense of justice, with an increasing understanding of the issues, rather than starting-from-scratch at the third stage. As it stands, Rawls' account of the matter seems too complicated and sophisticated. It presupposes an

understanding of the definitions and application of quite complex principles. A more plausible account would emphasize the varying degree of understanding, beginning with pre-reflective and pre-theoretical manifestations in young children, and concluding with something like the theory-ladened sense of justice found in Rawls' third stage. Because of the unrestricted generality to unknown people that we find at every stage, the capacity for sympathy would ease the transition from one stage to the next.[171]

There is one other context worth mentioning where active sympathy is crucial to an explanation of our sense of justice/fairness; namely, playing one's part in a joint endeavour. Consider the situation in which a number of people share in an enterprise, where the idea is that they all participate to overcome a common problem. Or rather, consider the divisiveness to the enterprise, that we have all experienced, when someone then fails to pull their weight. The division is only healed by the recognition, by everyone, of the need to do their fair share. Are we able to account for this divisiveness on the Rawlsian account? Rawls thinks so. He writes (ibid:342-3)

> ...a person is under an obligation to do his part as specified by the rules of an institution whenever he has voluntarily accepted the benefits of the scheme or has taken advantage of the opportunities it offers to advance his interests...

In other words, reciprocal self-interest is an adequate explanation of why we think that it is wrong for a person not to be doing his fair share.

However the idea of 'doing one's fair share' need not be justified by an appeal to self-interested reciprocity. The kind of example I have in mind is where the demand 'to do one's fair share' is an appeal to identify oneself with the common task. It might be to help to nurse a sick relative, or to give aid to people in other countries when they are suffering from a natural disaster, or to help them to right a social or political injustice.[172] One can make sense of the idea of doing one's fair share, in such contexts, where

no reciprocal advantage has been or will be enjoyed by the participant. The appeal to fairness here is based upon the sentiment of active sympathy, (or to solidarity or fraternity). On the other hand, a plausible explanation of our view of the unfairness of someone not 'pulling their weight' is that we consider a sense of active sympathy to be a basic constituent of each person's make-up and we disapprove when this is always overridden by self-interest.

Earlier I asked the question (2): do Rawls' psychological assumptions explain why a person has a motive to comply with the principles of justice/fairness? What the considerations above show, I think, is that Rawls' account is incomplete. To have a sense of justice, one needs also a capacity for active sympathy. If this is so, moreover, we can explain the motivation to act justly in the hard cases, where the judger's own interests, (or the general happiness), conflicts with the demands of fairness. An explanation of why people choose to act justly in these cases (when they do) is the need they have to show the active sympathy they feel for another person which, in such cases, overrides rational self-interest or the general interest.

One general point in the discussion above requires greater emphasis. If what I have argued is correct, we can explain why we approve of fairness and disapprove of unfairness; why 'being fair' matters to us morally. This is because it meets certain needs we have, one of which is the need to feel and show sympathy. I am not claiming by this that a person morally ought to have a sense of justice or choose to be fair. I am claiming, rather, that what is needed for 'a sense of justice', as it is ordinarily understood, is the kind of natural sentiment expressed when one person feels and shows active sympathy for others. A person would not cease to function if he had no sense of fairness. On the other hand, acting fairly or in accordance with justice appears to be meet the need(b) we have to feel and show sympathy.

By restricting himself to the assumptions of rational self-interest and reciprocity, I maintain, Rawls presents too narrow a view of our psychological needs. Along with self-interested needs, we need(b) to feel and show sympathy for other persons, if we are to have a sense of justice/ fairness. We will return to this point in Chapter Eight.

That completes the account of some of our more important moral beliefs that can be explicated in terms of my needs thesis.

9. Conclusion of Part Two

I hope to have shown, in Part Two, that all persons have certain bodily and psychological needs that must be met if they to function or to flourish. I have tried to show that such needs are, by themselves, neutral with respect to moral beliefs yet they are the basis of many of the central concepts in morality. Thus I have argued that a range of moral and broadly evaluative notions, (e.g. self-respect, respect for others, self-integrity, a happy life, kindness), and our commonsense moral beliefs regarding gratitude, loyalty, truth-telling, promise-keeping, fairness, can be interpreted in terms of meeting these needs.

It might be objected that the moral neutrality of my account of our psychological needs is not convincing. Presumably this is because in a meta-ethical discussion of our ordinary moral beliefs and evaluations, the latter carry over an evaluative tone to the need in question. Thus I have supported the claims above by suggesting that we normally approve/disapprove of an action or character trait because it means that the need in question is/is not met. Furthermore I have tried to show that there is a sense in which we rationally could not acknowledge the same need and yet react differently; viz. need-reasons are *prima facie* good reasons. However the type of analysis offered so far does not commit me to recommending the moral beliefs or to prescribing contestable evaluative assumptions. I have not

been in the business of recommending, but of recording; this has not been, in other words, an account of the judgements we ought to make.

Whether or not an analysis is moral in this prescriptive sense depends on the kind of reasoning with which it is supported. Does the analyzer prescribe a judgement which enjoins or forbids a certain action? Does he, himself, approve or condemn a character trait or a life-style in his analysis? So far, I have not been concerned with such questions. My task, in Part One, was to describe and explain how a rational person does in fact make moral judgements. He must be willing and able to universalize in propria persona judgements containing contextually relevant and elucidating reasons. And I have tried, in Part Two, to give an account of the empirical and rational basis of contextually relevant reasons in the moral judgements we do in fact make; a foundation which is not contingent upon a particular set of desires, preferences or inclinations, which has the sort of universality that meets the demand we find in most of our everyday moral judgements, and which accurately reflects the reason why such moral beliefs matter to us. In many cases the empirical argument is over-simplified and the accompanying rational support cannot always be claimed to have the force of an a priori demonstration. But I hope that enough has been said to show the type of reduction represented is at least a possible one.

Although they are morally neutral, I maintain that descriptions of the psychological needs above are prima facie good reasons for the particular moral judgements they support. Let me stress this last point. When the autonomous judger uses such a reason to support his singular moral judgement, this is a prima facie good reason for his judgement. It is a prima facie good reason because (i) it is contextually relevant and will elucidate the judgement; (ii) it cannot effectively be contested. This last claim

can be supported in two ways. Firstly, I have tried to show that more plausible interpretations can be given of the putative counter-examples. Secondly, I will argue in the next chapter that such need-reasons are judger-neutral; viz. a need-reason (of the sort discussed) is such that any rational person must accept the universalized moral judgement in which it occurs as prima facie correct.

Before we investigate this last point in detail, I want to mention four difficulties for my analysis. Firstly, some philosophers will object that my account is based upon a controversial view of human nature. I should not assume that it is the only possible psychological perspective on moral agency. For instance, I seem to have overlooked, with apparent insouciance, the psychological egoist's position. He has a very different view of human needs. His account rests on the hypothesis that human beings necessarily do what is to their own self-interest. Our moral judgements are reducible to self-interest; the moral practices and rules of a community, though they may be generally obeyed, are obeyed due to the motive of self-interest. What arguments can I give to a psychological egoist to show that my account should be preferred?

Secondly, I have argued that a person has both self-regarding and other-regarding needs, e.g. to feel and show sympathy. It might be objected that rational self-interest alone is all that has to be assumed to explicate our commonsense moral beliefs and judgements. I must show, in a convincing way, that a simpler account based upon rational self-interest cannot provide an adequate analysis and deliver the same results as one that includes the needs(a) and (b) for sympathy.

A third problem is to say how we know when one need(a) or (b) is supposed to yield to another? As C.Battersby (1980: 273) puts the matter:

> ...given that some central needs will conflict ...(which of them)...should be pandered to?

Even if it is granted that certain capacities, drives, sentiments, are universal and necessary for persons, how can my account provide an answer to this question without recourse to contestable moral assumptions?

The fourth problem concerns so-called 'destructive' needs. Although this is not intended to be a comprehensive account of all of the non-volitional needs that a person has, it will be objected that I have drawn attention to only one type. I have restricted my account to positive needs and avoided mention of those that are destructive or are, in others ways, an embarrassment to moral dignity.

Surely, my adversary could argue, human beings have harmful and otherwise destructive needs(a) and (b) as well as those of a rational, altruistic or emotionally dignified nature. For instance, I have emphasized the need to be self-determining but not the need to dominate other persons, which is the overriding human need according to Nietzsche.[173] I have stressed the need to be recognized and belong; I have said nothing about the need to be aggressive, which is an instinctual drive that human beings need, according to Freud.[174] I have talked of the need for sympathy but said nothing about the need to hate other people, or for cold-blooded malevolence towards them, a view we associate with de Sade,[175] and so on.

Why shouldn't so-called destructive needs be included in the list of psychological needs? We are told that they are universal, non-volitional needs we have in order to function or to flourish. And even if this is doubted, can we not think of possible worlds in which the psychological needs are of this type? Isn't a world possible in which, if they are to function, each person needs(a) to despise his neighbours, to be aggressive towards them, or to try to dominate them? The needs upon which moral beliefs and practices are based in such a world would simply be what we call 'destructive'. Similarly, can we not think of other social practices, in our world, in which the view of human

flourishing requires that one or other of the so-called destructive needs(b) above is overriding? And if I rule them out as genuine needs - say, by calling them 'wants' - doesn't this show that needs(a) and (b) are merely a list of capacities, drives, emotions, that I happen to admire or, at the very least, merely a contingent basis for one type of moral code?

One response to all of this is to point out that by calling them 'harmful' or 'destructive' we mean that they frustrate other needs that are required if a person is to flourish or to function. That seems to be the point of calling them 'destructive'. In a world in which there are only destructive needs, therefore, we have lost our rationale for labelling them 'destructive'. As K.Nielsen (1969:200) writes:

> If all our needs were destructive, destructive would lose its negative normative force;...

In such a world, the meaning of the word 'destructive' would change.

However the objection is more worrying than this. I have claimed to use the term 'need' in such a way that no contestable moral assumptions are built into it. By restricting my account to only positive needs, it will be said that I have put a surreptitious and illicit restriction on what counts as a need. Need-reasons, it might be said, are recommendations in disguise. They are specific beliefs about human nature which belong to the realm of values.[176] All of which is forfeit, given the desideratum of theory neutrality in reasons. To put the objection succinctly: all I have succeeded in doing is to derive moral judgements from other value terms.

This is where I must remind my opponent of the other string to my bow; the universalizability rule, U.R.II. If it was the case that we only have one type of need, what we might call 'positive needs', and the other destructive or unwelcome cases turn out to be erroneously described as needs, then we would not have a problem. 'X morally ought

to do F' would be presumptively implied by a reason R, where R describes a (positive) need(a) or (b). Our philosophical analysis would be quickly completed. However we have to take destructive needs seriously if only because, from the literature on this subject,[177] many harmful or destructive capacities, drives, etc. could be said to satisfy my sketch of a person's needs(a) and (b).

The universalizability rule comes in at this point. We have seen that a moral judger must be both willing and able to universalize the particular moral judgements that he makes. Now even if we assume that the (so-called) needs to dominate, to be aggressive, to hate, are non-volitional and universal needs for persons, and if we assume that a moral judger is willing to universalize judgements containing need-reasons of this sort in propria persona, we will find nonetheless that he is not able to universalize them. For the kind of behaviour (relationships, character traits), implied by the universalized form of such judgements describes a manner of existence which would be materially impossible for persons. To see all of this, we must consider the way in which universalizability and needs theory come together.

PART THREE

UNIVERSALIZING, NEEDS AND MORAL JUDGEMENT

CHAPTER SEVEN

THE UNIVERSALIZABLE-NEEDS THEORY

In this chapter I want to show how the two fundamental features in our moral thinking, universalizability and needs, apply when making action-guiding judgements (viz. universalizable-needs theory). I will argue that together they provide a way of testing the rational and moral acceptability of our singular action-guiding judgements. In other words, of the many particular judgements which may be made about a particular act, those based upon certain need-reasons rationally can and should be universally prescribed.

To show this, I will establish first (1) the contexts in which moral judgement-making usually occurs. It is an important point - though not one to which those who write meta-ethics give much attention - that we make moral judgements, not in a Cartesian vacuum, but in certain describable contexts. In section (2) I will show that any judgement that can be derived from a prima facie correct singular moral judgement, based upon a need-reason, by U.R.II universalization is also prima facie correct.[178] I will show, in (3), why destructive needs cannot be substituted into U.R.II. In (4) I will try to identify neutral criteria which help us to decide which needs are more central and, given that needs will conflict, how to weigh different need-reasons. In section (5) I will stress the complexity of judging in contexts calling for a moral judgement. In (6) I will show that need-reasons can be the underlying reasons with which we can and should support moral judgements. Finally, in (7), I will emphasize some of the points that have been established and some of the problems that remain.

First of all, we must identify more precisely the types of discourse in which the universalizable-needs theory applies.

1. Deliberating and justifying

There appear to be two general contexts, which we will call deliberation and justification, in which the universalizable-needs theory applies. Typically, the former is a type of reasoning which takes place when, in a situation of choice, someone tries to decide whether or not he morally ought to do a particular action, whereas the latter type of reasoning occurs in contexts where someone tries to show that the conduct of another, or his own past conduct, is morally justified.

We can identify other limits, of a general nature, to the type of context in which the thesis applies. We have already seen that it concerns moral judgements. And one feature from our earlier discussion that merits emphasis here is that any moral judgement that one makes is the result of reflection. To say that one has 'made a judgement' in this context, is to implicitly claim that one has arrived at the conclusion after due consideration. In contrast, we may talk of 'being forced to make a snap decision' where what is meant by this is that one plumps for one alternative rather than another. (As we shall see in the next Chapter, this way of choosing is not the same as making a moral judgement.)[179] Or we may talk of 'choosing on a mere reflex' or 'simply reacting' or of 'just conforming to accepted practice', and so on. Let it suffice to say that a moral judgement will be the result of reflection.

We can discover more specific limits (to the contexts in which the thesis applies) by examining the deliberative and justificatory processes in a bit more detail. We deliberate when we are unsure how to answer the question:

(1) What morally ought anyone to do?

(i.e. 'Which moral judgements ought anyone to make?'). Sometimes this is to ask no more than: Which acts are morally permissible? At other times, by (1) we mean to ask the stronger question: Which action does anyone have a duty or obligation to do in these circumstances? And since, in

ordinary discourse, the words 'ought', 'right' and 'good' are not always clearly distinguished, to ask (1) can be to ask a question of the form: 'Is this or that goal worth striving for?'; or 'Which of the alternative goals is the best thing to do?' Deliberation of this type also occurs, in everyday life, when we are uncertain about a trait of character, or a motive, or more generally when we ask about a person or his life-style. Is modesty a good character trait? Is self-interest always a bad motive? Is Smith a person one ought to-try-to-become-like?[180] and so on.

Often when questions of type (1) arise in a discussion, people are unsure of the answer. If one or other of the interlocutors is not unsure, of course, his intention in the ensuing discussion might be to win over the other participants to his point of view, or to get others to behave in ways of which he approves. Much more importantly for us, questions such as (1) can arise in circumstances where the individual, or the participants in the discussion, hold no firm antecedent views, or where they already hold firm views but are concerned to find the truth despite their views. As Downie and Telfer (1969:127) note:

> ...if participants in a discussion do not have firm views, but are trying to decide what to think, it seems very difficult to account for the seriousness with which this is done without seeing it as a joint investigation, a procedure which aims at finding the truth of some matter.

In a joint investigation, the participants are not content merely to arrive at any conclusions (of the sort "it doesn't matter what we say"). If this is all there is to it, why should it matter what they decide? Why not plump for any answer? They think that a correct answer is possible and they are intent on finding it. The seriousness with which people enter such discussions, as Downie and Telfer say, lends support to this latter claim.

When they ask "what is the correct answer?" to a question of type (1), I take it they mean "which judgement is supported by the best reasons?". They may query, of course,

the truth of one or more of the reasons given, or they may discuss whether or not a particular reason is a good reason for the conclusion, or they may challenge the criteria employed for identifying good reasons. However, our participants cannot think that the correct judgement is other than the one which has the weight of good reasons behind it.

Since the object of the deliberation is to try to discover this, viz. the judgement which is supported by the best reasons, ideally their judgement concerning what ought to be done (what is good, right, etc.) should be postponed and made dependent upon the outcome of the deliberation.[181] Their deliberation should consist in thinking about the reasons for or against each of the alternative possible answers, with a view then of adopting the conclusion which has the weight of reasons behind it. The fact that even after conscientiously trying, sometimes we do not know what to decide, does not detract from the ability we have to deliberate in this way. One further point to be borne in mind here: we can say of any piece of moral deliberation, that the judgers have reasoned well or poorly. Since, if what I have argued so far is correct, there are standards to which their reasoning either conforms or fails to conform.

Moral deliberation is one context in which the universalizable-needs thesis applies. The other context is that of moral justification. Often we try to show that our own past action, or support for a policy, was justified by pointing to the soundness of the reasons on which it was based. Even more often - if my experience is anything to go by - we criticize an action or policy of another person by trying to show that it is unjustified. The term 'justification' is used to cover not only the judgements one gives in support of a particular action but also those one gives against it. To show that an action is unjustified, we try to give reasons which show that the action is morally wrong and that refraining from it would have been justified.

People make judgements of this kind not merely about their own or another's actions, values, ideals, but also about their own or, more usually, another's character. Moral justification typically takes place when a character trait or, more generally, a person's life-style is criticized or needs to be defended. "Smith is a despicable chap", Jones may remark, "He would not repay me the money he borrowed". Someone else may disagree. Where there is disagreement, each party to the dispute will try to defend what he has said. In a joint investigation, each will try to produce reasons for their judgement which are able to withstand rational criticism. This is to say, they try to show that their judgement is the one that is supported by the best reasons; that it is the judgement anyone ought to make about such conduct.

The kind of context with which we are concerned, then, is an investigation where the participants are intent on finding the correct answer in their deliberation or justification.[182] They think that a correct answer is possible; one that is objective in the sense that it satisfies certain standards that are, at the least, inter-subjectively valid. What are these standards?

I have argued that (i) for a particular action-guiding judgement to be rational, the judger must be willing to universalize it _in propria persona_ and (ii) he must be able to do so. We have seen also that, in actual application, (iii) the reason he gives in a moral judgement must not uniquely name or be idiosyncratic but, rather, it must be impersonal; which is to say, (iv) the reason must be contextually relevant and elucidate the judgement. In actual application, then, universalizability is used in conjunction with the notion of relevance. We have seen also that it may be possible to give a general definition of the latter in terms of non-volitional needs. I have argued that a number of moral and evaluative notions and many of our pre-theoretical moral beliefs can be explicated in terms of

certain biological and psychological needs of persons. This suggests an answer to the problem of contextual relevance; (v) we can determine whether or not a reason given in a singular judgement counts as a morally relevant reason by asking if it has to do with the satisfaction of certain needs(a) or (b). The conditions (i)-(v) appear to be at least some of the standards that the participants in the joint investigation seek. It seems also that although descriptions of needs do not commit one to any particular moral theory, (vi) need-reasons can be prima facie good reasons for the judgements they support.

We could show (vi) conclusively if we can establish that the universalized form of judgements that satisfy (i)-(v) are judger-neutral; i.e. if the universalized form of this type of judgement is such that any rational person must accept it. I want to show, in other words, that if in a particular case the participants judge that X morally ought to do F for a need-reason R, then any rational person must judge that anyone to whom R applies morally ought to do F. This would not be a test of the moral worth of their judgements, remember, but a test of their rationality.

Before we examine this I want to emphasize two related matters. Firstly, if his moral judgement is to have any point, each judger must believe that he is autonomous. He must think of himself as making his own moral judgements. A moral judger cannot be, for instance, an unthinking adherent to a set of beliefs laid down by others. He cannot devolve his responsibilities for choice on some external provider of moral principles.

We need to be a bit cautious here. There is an ambiguity in the claim that a moral judger cannot devolve his responsibilities for choice. It rules out, for instance, passive conformity to the code of behaviour in which one has been brought up, or the unquestioning acceptance of the prevailing moral assumptions of the community within which one presently lives. We would fault such an individual for

being morally complaisant or of merely kowtowing to authority. If one conforms with a general moral practice, this is because one sees the reasonableness of it, not simply because it is 'the done thing'.

However there is a sense in which an autonomous judger can choose to follow the advice of another, a received code of behaviour, or a religious ethic. The Catholic housewife, for instance, can autonomously choose to follow the moral advice of her priest, or her Pope. (Moral autonomy is not co-extensive with moral wisdom.) She remains autonomous to the extent that she remains the ultimate judge of what she will do and think, including the decision to trust to the advice of her priest or Pope. If she did not, this would involve the surrender of herself as a moral judger.

We are required in contexts calling for a moral judgement to choose for ourselves what we **will** do. But can we choose what we **ought** to do? As we saw in Part One, judger-relativists believe that we can. "Autonomous judgers" they say, "create their own values". Apart from the constraints provided by the universalizability rule U.R.I, almost anything goes in the name of morality. However if the arguments in Part Two of this essay are correct, there are strong grounds for thinking that while a person may choose whether or not to apply them, his moral beliefs and values depend upon considerations which are not created by the judger himself. We are not free to choose correct moral principles where these are incompatible with certain human needs. (Any more than we are free to choose, in this sense, beliefs about matters of scientific fact.[183]) Similarly, we may make singular moral judgements which we may be willing to universalize <u>in propria persona</u> but we may not be able to do so (to universalize the judgement) where the reasons given are incompatible with the sort of needs we have identified. In which case, our singular judgements will not be rational moral judgements. Thus in the joint investigation, our judgers must make their own judgements

about what anyone morally ought to do. However they may be mistaken. We would fault them, particularly, for not taking certain needs(a) and (b) into account. And as we shall see shortly, they will be unable to universalize if, in the supporting reasons, they fail to take account of the certain underlying needs of those involved. Nonetheless it still makes sense to say that each participant must choose for himself what judgement he will make.

The second matter that requires emphasis concerns the strategy of the next two sections. For present purposes, it will be helpful to consider the simplified, if artificial, case of judgements in which a single need-reason applies. However we should not forget that in typical cases, one need-reason can conflict with and be overridden by another. I will say more about this in Section Four. For the moment we want to see if moral judgements, when these are based upon single need-reasons, are U.R.II universally binding. In other words: is the universalized form of this type of judgement such that any autonomous rational person must accept it as morally correct?

How are we to establish this? One way would be to see if the denial of some uncontroversial universalized moral judgements, which are clearly supported by needs(a) or (b) reasons, goes beyond the limits of what any autonomous judger can rationally accept. We want to see, in other words, if the denial of a universalized judgements based on need-reasons, can be rationally faulted.

2. Universalizable need-reasons

Let us begin with the need(a) to **survive.** We have seen, firstly, that this need is non-volitional. It is a pre-condition for our having any other needs, wants, values, relationships, etc. Secondly, the need is universal. Someone else's need to survive is not different from your's or mine, merely because it is his. Thirdly we need(a) to be alive and remain alive if we are to function as persons

at all. We have seen, fourthly, that reasons of the type '...because F keeps me alive', '...because F will kill me' are prima facie morally relevant; to give '...because F will kill me' as the true supporting reason is automatically to understand the judgement 'F ought not/ought to be done'. Thus, for instance, when Smith deliberates whether or not to shoot Jones, the fact that in all probability this will kill Jones, is a prima facie good reason for Smith's negative judgement.

We want to see now whether or not any autonomous judger must accept the universalized form of a judgement like

(2) It is prima facie morally wrong to do F to X because F will kill X

(Remember that this is not to say that killing another person is never morally justified; there may be other needs to which an individual's survival sometimes must yield.)

To support the claim that (2) is, in fact, U.R.II universalizable, let us see whether the denial of (2) leads to a logical absurdity. Let us suppose per absurdum that in our joint investigation someone suggests that gratuitous killing is morally right;

(2') (X)(F morally ought to be done to X because F will kill X)

could be a moral principle. Consider the case to be one where Smith is deliberating whether or not he morally ought to kill Jones. Ex hypothesi (2') is a correct universal moral judgement. So Smith will accept both that he is acting morally in trying to kill Jones and vice versa. At the same time, presumably, he will take steps to foil Jones' endeavour otherwise Smith will be in no position to kill Jones. Thus Smith will try to thwart Jones while at the same time believing that Jones is doing something morally right in trying to kill him. It follows that if Smith prevents Jones from killing him, his act must be said to be 'wrong' and 'not-wrong'. Smith's defensive act is wrong because it prevents Jones from doing what he ought to do.

And it is not-wrong because it is necessary for Smith to remain alive to do what he, Smith, ought to do. Clearly, the universalized judgement is inconsistent. For this reason alone, if we accept the somewhat artificial and highly simplified (2'), we will be forced into a logical absurdity. It comes as no surprise then that a strong sense of objectivity applies to universalized judgements of type (2). They are judgements which any informed, careful and reflective person - who is given the appropriate reason and conclusion - must accept, irrespective of his antecedent views.

Let us consider an example more in keeping with ordinary experience, where the case is not one of killing another person but of not assisting them in their efforts to survive. Let us suppose again, that on my way to work I see that a child has fallen into the university pond and is in danger of drowning. The child needs(a) to survive and most of us would agree that I morally ought to wade in and pull the child out; i.e.

(3) I morally ought to help the child because otherwise it will not survive.

However, let us suppose that someone does not accept (3). We would have to ask him, firstly, does he not see that our judgement (3) is a moral judgement? If help is not forthcoming the child will not survive and this is a prima facie good reason for entering the course of action contemplated. We could ask him, next, does he not see that (3) is universalizable in propria persona? Does our adversary not see that (3) has wider reference than to this child and moment? This is to say that (3) applies to other adults and children in similar situations and to potential situations in the judger's, or his child's, own life? He is logically committed by (3) to the judgement that if he or his child were drowning then this is a prima facie good reason why they morally ought to be rescued. Perhaps our adversary sees all of this.

We might then ask him: could the universalized judgement

(3') (X)(X morally ought not to help a child because otherwise it will not survive)

(when this is all that is at stake), be the moral principle of a rational person? At first glance, someone who is willing to accept (3') lacks any sympathy for others. To consider such a person as anything but defective would be incompatible with our claims concerning the psychological needs of persons.

Nevertheless, if pressed, we have to consider (3') in terms of someone's universalized moral judgement. Our strategy would be to sketch the kind of conditions implied by the judgement. Could there be a (human) society in which no one sees the reason that a child will drown is a prima facie good reason for the judgement that it ought to be helped? It would be a society which has no use whatsoever for active sympathy. Presumably, it would never enter anyone's head that, at little or no cost to himself, he might help a child when the latter is in obvious danger or extreme distress. Since it is empirically true that without adult help most children's lives sometimes are similarly endangered, to treat (3') as an acceptable moral standard would seem to be incompatible with the continued existence of that society.

I do not know whether such societies are possible, or indeed whether the supposition is coherent. But in any case the difference between such a society and our own would not merely be that in the former they leave children to drown whereas we do not. Any person in such a society would not merely lack active sympathy, he would be without capacities like responsibility, without sentiments like pity, he would lack moral beliefs like those in favour of promoting the well-being of others, and so on, all of which depend upon the need for active sympathy. These are quite fundamental capacities, sentiments and concepts for every person to be without. So much so that it would put a maximum strain on

the idea that we are still talking about a human society. Or, more cautiously, a judgement like (3') could be canvassed as a rational option only by someone who is prepared to give a full account of the kind of human being, or moral practices, he has in mind. (We will return to this point shortly.)

While most would grant that we can detect contradictions or unintelligibility in attempts to universalize judgements like (3') it might be argued that no contradiction emerges when we try to universalize more circumspect judgements, such as 'I morally ought to help the child only when I am related to her', or '...when I know her' or '...when it will help to foster my good reputation'. However the force of this response may be undercut when we remember that indexicals, names, uniquely specifying descriptions, are ruled out by U.R.II. Let us remind ourselves of this restriction by considering its application to bodily needs.

All human beings, we noted, are relevantly similar in their bodily needs(a) and (b) for food, shelter, clothing, a life-sustaining environment, etc. This is not to deny, we said, that within the basic similarity of these needs there is immense variety. People like different foods and different amounts of the same food; within the survivable range of temperatures, some like it hot, others like it cold, and so on. We have established also that where a particular moral judgement is based upon a reason which describes the need of one individual or group, for, say, food, e.g.

(4) Children in Glasgow ought not to be underfed, because they need(b) an adequate amount of food to eat,

the need-reason is a <u>prima facie</u> good reason for the particular moral judgement. Furthermore, (4) is U.R. universalizable. A relevantly similar moral judgement applies to all human beings.

Let us assume that this is not accepted. Our adversary points out that the reason in (4) refers specifically to Glaswegian children, not to all human beings. On this interpretation we can fault (4) since, in the reason given, 'they' uniquely names one group of individuals. Why is this unacceptable? We have seen that in its actual application the universalizability rule is used in conjunction with a notion of relevance. At least one condition of relevance is that the reason must be impersonal; the reason must be capable of being understood as relevant and elucidating by other persons. And any judgement in which the reason depends upon the occurrence of an irreplaceable pronoun, proper name, or a mere numerical difference, is not impersonal. In other words, most of us cannot see why the fact that they are 'Glaswegian children' is a relevant reason why they ought not to be underfed? Why not say because the children are called Tom Smith, Mary Brown, etc.? All such uniquely referring expressions offend the notion of relevance built into reasons (in the judgements that we are able to universalize). So given this interpretation, (4) is not universalizable.

The point here is about proper names or uniquely referring terms. We found that something more can be said about the general notion of contextual relevance in our ordinary moral judgements, so that not any general property can be used as the basis for a relevant reason for differential treatment to those possessing it. Thus suppose one of our investigators suggests

(4') Children in Glasgow ought not to be underfed, because they (Glaswegian children) are white.

Apart from including the uniquely referring expression, (4') is unsatisfactory in another way. The reason is not a neutral reason, in the sense that 'neutral' is equivalent to non-contestable. Why pick on colour or race? Such considerations are <u>prima facie</u> irrelevant to a moral judgement that rests on the biological need(b) for food. We

can go further. We can say why a reason like 'because they are white' is irrelevant to whether children need(b) enough and suitable food to eat. When a judgement is based upon a reason that describes such a need it applies to all like cases. We have seen that the same need-reason applies to all human beings, irrespective of their skin-colour, sex, other social practices, etc. Discriminatory moral judgements resting on assumed differences in respect of the need(a) or (b) for food are irrational. This shows why a most blatant form of discrimination is ill-grounded. (Similar arguments apply, *mutatis mutandis* to the need for a survivable environment, shelter, warmth, clothing, etc.)

Another reason why judgements like (4') are unsatisfactory is that they cannot be universalized *in propria persona*. To see this point however, let us consider another of the needs we mentioned earlier.

A person, I argued, needs(b) to avoid damage to his or her limbs and organs, and needs(b) to avoid other forms of unnecessary suffering. We are all alike in this respect. This is not an analytic truth, though, as we saw, it would be difficult to understand what is in the mind of anyone who challenged the claim. (We could understand, however, someone who said that though he needs to avoid suffering pain or physical damage, sometimes other needs take priority.) In other words, in commonsense morality, 'because F causes X to suffer unnecessary pain' is a *prima facie* good reason and

(5) F morally ought not to be done to X because it causes X unnecessary suffering

is a *prima facie* correct particular moral judgement. Is it U.R.II universalizable?

What if someone says that he does not agree that (5) is correct? Let us suppose that the case is that of the child undergoing an operation without an anaesthetic. Our adversary says that he does not see that 'because this will cause her unnecessary suffering' is a *prima facie* good

reason for morally condemning the act. We would fault him, firstly, if he is unwilling to universalize the denial of (5) in propria persona or if inconsistencies result from his denial. When he is about to undergo what would otherwise be painful surgery without being given an anaesthetic, our adversary cannot suddenly understand the need(b) to avoid such pain. When he is suffering, he (rationally) cannot use the reason in (5) to express his moral resentment. If he did, we would accuse him of inconsistency or double standards. No doubt, if these hypothetical considerations actually occurred, our opponent would find himself so severely incapacitated that he would not continue to argue so.

However what if he did stick to his guns? Earlier I indicated that my response to this is that he has failed to universalize properly. To see this, it is important for the moment to dwell on the conditions which have to be fulfilled for him 'to know what it is like to suffer physical pain'. It will not do for him to think that he could know what the girl is suffering, say, by looking at her brain-states through an electroencephalograph machine. He will not know what it is like for her to suffer (if the operation is performed in the way described) unless he knows what it is like to suffer 'like that'. In other words, he has to know not that the child suffers but what this suffering would be like. In which case, when he universalizes, he will have to keep carefully in mind the distinction between merely 'knowing that someone is suffering pain' and 'knowing what it is like to suffer pain'. It is the latter kind of knowledge which is required for a full understanding of the need(b) involved and which universalizing (5) in propria persona demands.

Now consider our adversary's claim to know what it is like to suffer as the child does and yet he thinks that this is morally acceptable. (He cannot justify this as, say, an opportunity for self-realization, à la Brentano, without

introducing an extraneous need which for the moment we have ruled out.) Let us suppose per absurdum that he says "I do know how she feels but I would not think it morally wrong if somebody were to do that to me". He could not really know or believe this. For if we are alike in our need(b) to avoid (or to end) suffering, then like any other person, he has an equal aversion to having something similar done to him. What such an offer would expose is his lack of knowledge or, more likely, his insincerity. Either one or both would be revealed, of course, if somebody responded "All right, if you think it's unobjectionable, let us try the same act on you".

I must emphasize that the imagined situation must be one in which he does actually suffer. If by some quirk of nature our adversary is a person who knew that he can feel extreme pain but for some reason he does not suffer, then he might indeed say that he does not mind being subjected to the experience. But this would be irrelevant. For he is to imagine the situation in which he physically suffers and I have shown that human beings need(b) to avoid this. The point is, a person could not experience a like case of intense physical suffering without having an equal aversion to it. Since ex hypothesi he has an equal aversion to suffering, he cannot really know or believe that if he were in a similar situation to the child's, he would not mind being treated like that. In which case, this or any similar denial of (5) is erroneous; (5) is a U.R.II universalizable judgement.

The account so far is weighted towards bodily needs and what a human being needs to survive. So let us turn now to some of the psychological needs we discussed earlier, such as the need to be **self-determining.** Let us concentrate on self-determination as a need(b) for persons. I claimed that where a reason in a judgement is based upon the need(b) to be self-determining, it is a prima facie good reason for the judgement. Does the universalizability rule provide us with

a way of testing what any rational, morally autonomous person must judge here?

To answer this, we might consider the forbearance that any person expects, or the resentment that he feels, when his need to be self-determining is not recognised by others. Let us suppose that Smith decides to grow some spinach and that uninvited, Jones starts to interfere. No doubt Smith will resent this. He might tell Jones:

(6) "You ought not interfere because this is my project". I maintain that the need(b) for self-determination is at the root of the reason 'this is my project'. (It is the underlying, if not the surface, reason; see pp.370-374 ahead.) If I am correct, the need-reason is morally relevant for Smith's particular judgement and it implies that those to whom it is addressed are prima facie like cases in this respect. Let us see this.

Smith regards himself to be self-determining. He sees the project as something which he has consciously chosen to do and with which Jones is interfering. His complaint - or any expression of moral indignation or resentment - can be formulated, moreover, because he believes that he is owed some consideration in respect of this need. He regards the need-reason as morally relevant. Furthermore, Smith would not feel resentment at Jones' interference unless he believed that Jones is conceptually equipped to grasp what it is to have projects and what it is to expect forbearance from interference. He would not feel or express the same kind of resentment if his project was disrupted by a non-person; e.g. rain, or a six month old baby. By feeling and expressing resentment, then, Smith recognizes also the need(b) of other persons to be self-determining and he assumes also that they can recognize his relevantly similar need.

The general point here - that we presuppose that other persons need(b) to be self-determining - has implications for both my protagonist and I in the joint investigation.

When deliberating about what morally ought to be done, I believe that I am capable of making my own judgements. I am, after all, trying to decide what morally to do, or whether or not an act is morally justified. In a joint investigation, what for me are necessary presuppositions, I must take to be equally true of my interlocutors. I must recognize that, like me, others too have the ability to reflect on rules, diverse codes and authorities, to subject them to criticism, and so forth. In such contexts, no matter how opposed my adversary and I are in our views, for the concept of a joint investigation to apply, each must assume this much of his adversary. On the other hand, someone who violates his interlocutor's ability to reason or to make choices, by being domineering or over-bearing, is involved in a form of inconsistency. He necessarily claims needs for himself, qua rational judgement-maker, but denies them to others even though he accepts that they too are prospective judgement-makers, in that they contribute to the discussion. If he thinks that his behaviour is morally justified, he is committing himself to a non-universalizable judgement.

This is a familiar argument in meta-ethical discussion.[184] A parallel may be found in scientific discourse. Insofar as it this discourse is objective, theories or statements must be dealt with on their merits and not in terms of the wilfulness or the status of whoever puts them forward. Otherwise we are not engaged in an objective joint investigation but a sort of game, the point of which is not to arrive at the true or correct conclusion, but to win.

Does this show that we ought to respect the need(b) to be self-determining of all of those who do not contribute to the investigation? To adapt an argument due to R.S.Downie and E.Telfer (1969:154) couldn't

> ...a group discussing morality...limit their debating circle to those seen as having imagination, integrity and experience.

If what I have argued earlier is correct, what the members of the rational debating circle cannot do, without further explanation, is fail to recognize the need(a) and (b) of the non-debaters to be self-determining. Rational debaters must recognize that non-members too are equipped with the capacity for choice; that they too have projects they value, they too have enterprises as important to them as each of the member's are for himself. If there are exceptional cases this must be shown.

On this analysis, any person can morally justify his claim to freedom from interference. However, purposes and projects, as we have seen, can be moral abominations. His project could be the domination of one individual, or group, by another. Freedom is a need for a Nazi, just as it is for a Kantian. Earlier we saw Hare's inability to convict the fanatical Nazi of inconsistency, when the Nazi would be willing to universalize his judgement in propria persona; the Nazi would himself be willing to be persecuted should it turn out that he is Jewish. We might mention here also M.Singer's inability to deal with this type of fanatic, if the latter regards the serving of his ideal as a 'desirable consequence' which can be off-set against any qualms he may have had at persecuting members of another race. Does our account fare any better?

I think that it does. If we continue to restrict ourselves to a joint investigation and simply to the need to be self-determining, we can convict the Nazi of inconsistency. Suppose his monstrous judgement to be

(7) Jews ought to be persecuted because this is my self-determined conviction.

On my account, the Nazi cannot argue this and then deny the same need-reason to his victims. Like everyone else, the Nazi needs(b) to be self-determining in pursuance of his convictions. However his political conviction involves the denial of this same need to Jewish people. In short, (7)

fails rationally because the need-reason is not being applied to certain prima facie like cases.

If he does agree that all persons are alike in this respect, of course, we can convict the Nazi of another form of inconsistency. Only in this case his rational fault would concern a universal judgement he accepts - perhaps to justify his own right to follow his conviction - but that he is unwilling to apply to all like cases, contradicting consistency B (p.22 above). It is more likely however, that the actual reason the Nazi would give is something like '...only Aryans are relevantly similar to me in respect of their convictions counting'. If this is so, he has unilaterally decided the reason for his judgement. In terms of self-determination, his reason translates to a second-order reason like '...I need to be self-determining in deciding my own relevance criteria'. I have argued that this will not do. Firstly, while a person may choose whether or not to apply them, a morally relevant reason is not something created simply by the judger himself. At least he cannot make morally correct rules by self-legislation, when these are incompatible with needs(a) or (b). Alongside this we can point out, secondly, that once again he denies the same reason '...the need to be self-determining in deciding relevance criteria' to other prima facie like cases, notably his victims. Since they too are self-determining agents and so are relevantly similar to the Nazi, the latter contradicts himself by refusing to universalize his second-order judgement.

Presumably he will concede the latter only if he concedes already that the human beings in question are persons. Let us suppose that the persistent Nazi replies that he and the human beings he persecutes are not prima facie like cases. Our account, he asserts, goes beyond what he is prepared to admit as persons, for he does not regard non-Aryans as persons. We might remember here that cultures as disparate as those of ancient China and Greece also regarded certain

human beings as non-persons (see endnote 105). It should be added also that I am not insisting that self-determination is a universal condition for human beings. There are, after all, deviant cases.

However the claim that another human being is not a person requires a great deal of additional justification. I do not think that my earlier sketch rests on a controversial notion of persons. On my account, among the necessary conditions for something being a person are certain non-volitional bodily needs e.g. we all need air, food, rest; and certain non-volitional psychological needs, e.g. a sense of one's own identity, the capacity for personal relationships, for sympathy with others, etc., and particularly the capacity for self-determination. To function at all, or for any human life to be fully satisfactory, needs such as these must be met.[185]

Any alternative account of persons will need to be neutral. What we require especially is a judger-neutral demonstration that certain cases are an exception to the need(a) for persons to be self-determining. And it seems unlikely that the Nazi's position would meet this condition. For there can be no doubt that their victim's antecedent conviction (like ours) are utterly different to the Nazi's. In the absence of such an account we may conclude that by making this exception the Nazi has gone beyond the maximum strain which can be put upon a defensible concept of persons. We will leave our opponent there for the moment (but see examples (9)-(11) below).

A claim against the interference by another, then, is another example of a morally relevant need-reason in a particular judgement which can be consistently made for all like cases. In other words, of the many particular judgements which may be made about a particular act, those based upon the need-reason for self-determination, where this is all that is at stake, can and should be universally prescribed. If our participants judge 'X morally ought to

do F because X needs to be self-determining', (where all that has to be considered is the need to be self-determining), they will be able to U.R.II universalize such a judgement. Their universalized judgement will be judger-neutral.

Let us discuss now one of the needs(b) that we associated with identity, namely **self-realization.** We have established that the description of this need is a relevant, elucidating and prima facie good reason. Does the universalizability rule provide a way of testing the rational acceptability of what a morally autonomous person can propose to do in this situation? Are we able to say, for instance, that if Smith decides not to develop any of his talents, while this is imprudent, his judgement contains no inconsistency?

Let us suppose per absurdum that he decides that he will not develop in himself whatever minimal level of rationality is required for at least one self-determining judgement. He intends both that it is possible for him to make a self-determining judgement and at the same time undercuts this by neglecting to foster a minimal range of rationality which would leave open the possibility of his one (or more) self-determining judgement. Smith's initial decision is self-defeating. Apart from the need(a) for rationality, this argument shows nothing about the development of talents which may be needed for specific projects, but only points to the inconsistency of failing to develop rationality, and such other talents that are needed and sufficient for the judgement in question.

Smith's judgement would be incoherent for another, more interesting, reason. Any attempt to universalize a judgement of this sort commits Smith to a world in which there is no rationality or talents that have been developed and so to a situation in which the necessary means are lacking not for some but for all self-determining judgements. I do not think that we need to say more here

than that the notion of a world of individuals who do not develop their talents implies a conceptual incoherence.

Finally in this section let us consider the needs for **active and passive sympathy.** There are two cases to be considered. Firstly, I argued that our concept of a person includes (i) the need(a) and (b) to be moved by other people's needs, by their joys, by their distress. A person needs(a) and (b) to be psychologically equipped to react in this way. Thus where one person can assist another who is in extreme distress, without the person giving the help thereby sacrificing a comparable need of his own, then there is a presumption that he morally ought to do it. The second more obvious case is the assumption that he should show sympathy not because of his need(b) to show it but because of (ii) the recipient's need(b) to get it. We have seen that in either case, where the reason is based upon their need(b) for active or passive sympathy, this is a <u>prima facie</u> good reason for a moral judgement. We have to see if the universalizability rule provides a way of testing the rational limits of what any autonomous person can judge in either of these cases.

Consider the case (ii) viz. the recipient's need(b) to get sympathy. If we judge:

(8) Smith morally ought to assist Jones in her distress because she needs(b) to receive his active sympathy,

when this is all that is involved, is a judgement of this type U.R.II universalizable? To answer this, let us consider the contrary judgement:

(8') It is not the case that Smith morally ought to assist Jones in her distress because she needs(b) to receive his active sympathy.

Let us suppose that this is not a matter of maleficence on our opponent's part. Perhaps he is the sturdy individualist J.L.Mackie (1976:101) mentions, who believes that the kind of person who ails without the sympathetic assistance of others is too contemptible to deserve consideration. Thus

he argues "Although Smith may feel passive sympathy for her, Smith ought to ignore Jones' needs" (i.e. this is the morally right thing to do).

Without further explanation we might think a universalized form of (8') empirically odd. As we noted earlier, persons, as we know them, have at least some projects which they cannot realize unaided and so they must draw upon the assistance of others. However a universal rule of sturdy individualism would require everyone to systematically disregard an important means of ensuring that help is forthcoming when they need help.

Without further explanation our opponents argument is not merely odd, but suggests an inconsistency. He is arguing that a rational person morally ought not act out of sympathy he feels for the needs(b) of others yet at the same time ex hypothesi he is willing to argue with others for such a view, in a joint investigation. As I have said, this implies some concern for his interlocutor's autonomy, wittingness, etc. This shows that some level of active sympathy must be shown for the needs of others since this is presupposed by the willingness to enter into argument. In which case, its denial cannot be intelligently argued.

Let us assume, nevertheless, that in this particular judgement my opponent decides that Smith should not show the sympathy he feels for the need(b) of Jones. This commits him to the universalized counterpart that nobody ought to actively show the concern they feel when other persons need to get it. The picture of social life implied by the universalized form of this judgement, is one of disconnected, self-indulgent beings; the kind of behaviour that is to be found, if anywhere, in the earliest stages of childhood. An adult group displaying such self-centredness would be considered pathologically defective or anyway, not at all like persons as I have described them. Before I discuss this point in greater detail, let me say a bit more about the judger's need to be moved by other people's needs.

Consider now case (i). At first blush it might seem a little odd to say that one ought to help someone in trouble not merely because of their need to receive it but because of one's own need to feel and show sympathy. However, we discussed earlier the grounds for claiming that an individual needs(a) and (b) the capacity to feel and to show sympathy for the distress of another. Thus we may judge also that

(8'') Smith morally ought to assist Jones because of his need(b) to feel sympathy for her distress.

Are judgements of type (8''), which place an emphasis upon the judger's need for active sympathy, U.R.II universalizable?

The most extreme antithesis of (8'') would be support for reasons in favour of malevolence, e.g. where Smith drives his car over Jones, believing that this is morally permissible, or the sort of thing one morally ought to do. I claimed earlier that the suffering caused to another person could not be of 'no concern whatsoever' in our moral code. However, given this interpretation, could (8'') be a universalizable judgement in a defensible account of a moral practice in some other possible code?

3. Domination, aggression, and malevolence

Let us suppose that someone argues that human beings need to dominate one another, or that they need to be aggressive, or to be sadistically malevolent. One or all of these needs, he says, are endemic in human nature. In line with the universalizable-needs theory I am sketching, he goes on to argue that to meet these needs we ought, (morally ought), to bully, beat or torture, other persons, or at least he sees nothing morally wrong with this. He accepts as moral judgements, for instance,

(9) Smith ought to bully Jones, because human beings need to be dominant

(10) Smith ought to fight Jones because human beings need

to be aggressive

(11) Smith ought to torture Jones because human beings need to be malevolent.

Under the influence of Nietzsche, Freud or, perhaps, de Sade's philosophy, my opponent argues that human beings need such drives. Under the influence of my needs theory, he says that descriptions of these needs are prima facie good reasons for moral judgements like (9)-(11).

To strengthen his claim, let us suppose that psychologists or sociobiologists have established the authenticity of domination, or aggression, or sadism, as universal and necessary human needs. Let us be clear: this is not to discover that human beings are normally dominating, aggressive or sadistic. If this was the argument, e.g. that we normally try to dominate others, the point in prescribing non-dominating behaviour would be quite different. Smith does not need to correspond to the norm in order to function or to flourish. There is something he can do about it. It must be argued either that all human beings need to bully, beat or torture others, if they are to flourish, or that these needs must be met if they are to function at all as human beings.

If our adversary thinks that people flourish when they bully, beat or torture others and so, in the particular case, Smith morally ought to behave in this way, we would have to ask him whether he willing to universalize his judgements in propria persona. Does he believe in turn that he morally ought to be subject to such treatment? Would he still flourish if he were to be bullied, etc.? If what I have argued earlier is correct, it is highly unlikely that anyone could answer the tables-turned consideration in the affirmative. And if he could not, then he will not universalize the judgement in propria persona and, by arguing so, he would be guilty of inconsistency.

We may add that the status of domination, aggression malevolence - as things we need in order to flourish - is

further weakened, since our adversary appears to deny them when he is prepared to argue with us in a joint investigation. He is prepared to discuss with us his claim that all human beings need to dominate in order to flourish yet this is at least one context in which, if he is to flourish, he must not dominate. More importantly, regarded as character traits needed in order for a person to flourish, domination, aggression or sadism are forfeit in a theory which purports to be free of contestable moral assumptions. For very few people would accept the view of flourishing implied by (9)-(11).

Let us suppose instead, that (9), (10) and (11) are claims based upon the discovery that to dominate, to be aggressive, or sadistic, are psychological needs(a) of all human beings. This is the claim that is usually made for so-called 'destructive needs'. The question we need to ask is can such judgements be universalized? And one consideration that is crucial here is what picture of human social life is implied by the universalized form of such judgements?

On the present interpretation, ex hypothesi an individual psychologically needs to dominate others if he to function as a person. The Hobbesian man in the state-of-nature might be thought to be a plausible example of this. Each human being is naturally motivated by needs which touch only his own power or security; other persons are of consequence to him only insofar as they affect this. As a result there is a universal struggle for power over others and every person tries to resist the power of others over him. Everyone in a state-of-nature, that is to say, is constantly pulled into a competitive struggle. Hobbes (1651:80) writes:

> So that in the first place, I put for a general inclination of all mankind, a perpetual and restless desire for power after power, that ceaseth only in death.

The question that this poses is as follows: if Hobbes is correct about the needs of mankind, how can I reject the

universalizability of (9) without sacrificing the moral neutrality of the needs thesis?

We should not overlook the point that the Hobbesian man is also rational. Given the fact that human beings are roughly equal in strength and intelligence, to insure that some of their other needs and interests will be safeguarded, rational beings will develop some form of social device with which they will be able to equitably adjudicate between their conflicting needs. For Hobbes, the rationality of the man in a state-of-nature will tell him that he ought to curb his need to dominate and enter into agreements with others in order to survive. His need to dominate others can yield to his needs for peace and security. Even a universal and necessary need can yield to others.

This might explain why to dominate, to be aggressive, or our sadistic propensities (if, in fact, any or all of them are universal and necessary features of human nature) are not need-reasons in our everyday morality. A central function of morality is to curb such impulses. Without this, it would be impossible for us to pursue all of those other things we regard worth living our lives for. If we were not pretending to do any more than give an analysis of our everyday moral reasoning, this might be a reasonable response.

However even if they are not need-reasons in our moral code, the challenge might be that it is not clear that this is true of all extant moralities, to say nothing of a priori possible moral codes. An account of a society does appear to be possible in which, for instance, the need to dominate others is the overriding disposition; eventually a person always succumbs to it. And we can conceive of possible worlds in which the only disposition is to judge and to act in ways that we call domineering, and no one could make alternative judgements. From this perspective, wouldn't domination be a need-reason and wouldn't it be prima facie good reasons for universalizable moral judgements? Can I

reject (9), so understood, without sacrificing the neutrality of the needs thesis?

I will mention two obvious reasons for denying that (9) can be universalized. Firstly, the resultant judgement would be self-frustrating. For if we all morally ought to dominate others, there will be no one left to be dominated. Since 'ought' implies 'can' (or at least could), (9) is not universalizable. Secondly, ex hypothesi, in (9) 'to dominate others' is Smith's only, or overriding need. But if he cannot do otherwise, there seems to be no point in telling Smith that he morally ought to do one thing rather than another. There would be no ought-judgement to universalize (and we might add, there would be no point to deliberation or justification).

However it seems to me that in dealing with my opponent's argument in this way, I have already conceded too much to him. For the hypothesized situation is not a defensible view of the possible moral practices of a human society. To keep the hypothesized situation intact, if the universalized form of (9) were to apply, everyone must have an overriding need to dominate others. They would lack the ability or rationality to suppress this need. Their motives would be single pointed. They would never feel sentiments like good-will, love, friendship or gratitude towards each other, or consider the convenience and welfare of others. Presumably, they would tolerate no frustration, no rivalry. They would also lack concepts like equality, fairness, and so on. The picture of social life implied by the universalized form of (9) is one of disconnected, self-centred and impetuous individuals.

It is not merely that we would think such individuals to be seriously psychologically defective. In a society in which the universalized form of (9) is their only "moral principle" (sic), the style of social interaction would make it doubtful whether we were still talking about a human

society. No society would hold together for long based on this "need" (sic) alone.

Do similar arguments apply, mutatis mutandis, to example (10)? The first certainly does not. When we apply the universalizability rule to (10), the resultant judgement is not self-frustrating, neither does it infringe some of the other logical constraints (self-defeating, inconsistency, etc.) provided by the rule. Is there a plausible interpretation of aggression as a need(a)? Couldn't we say, following Freud et al, that (together with sex) aggression is the primary instinctual drive. Moreover these two instincts can account for all of a person's other character traits and behaviour. While it is repressed as socialization occurs, all the subsequent acquisitions of an adult, his altruism, his ideals, his ought-judgements, are transparent sublimations of the id processes. Our instincts, Freud says, may form attachments to new objects, but the same instinctual force remains, overlaid, cathected, but not fundamentally changed. He writes (1981:171)

> ...these instincts fill the id: all the energy of the id, as we may put it briefly, originates from them. Nor have the forces in the ego any other origin... What, then, do these instincts want? Satisfaction - that is, the establishment of situations in which the bodily needs can be extinguished.

Couldn't aggression be a relentless need of the group which our social scientist have discovered?

We need now to consider the picture of social life implied by the universalized form of (10). The hypothesized picture is of a social life in which aggression exerts a decisive influence on each persons character and the kind of conduct they engage in. We need to know how this is so. For example, how are the books these people write and read and discuss, all direct or indirect manifestations of their aggression? How is the music they compose and play and listen to, the pictures they paint and appreciate, the plays they watch and enjoy, the cities they build and live in, the

laws they pass and obey, the languages they learn and teach and speak, the games they master and play, and the host of other things figuring in our daily lives - the kind of things that inform the lives of persons as we know them - how are such things to be explained in terms of aggression?

More importantly, we need to know: could we recognise these creatures (or ourselves) as persons whose conduct and characters are mediated by moral values? The moral judgements they make, their mutual respect for each others autonomy, their sense of active or passive sympathy, the range of moral rules which they understand and follow, all have to be understood in terms of underlying aggression. What, for instance, do these creatures do when they are faced by circumstances of a very practical nature requiring them to perform an altruistic act like, say, saving a drowning child? What do they do when they enter into social arrangements which for us, place a premium on our ability to communicate non-aggressively with others? Could they nurture their offspring, teach them, comfort them? Could they care for their old, or sick, or infirm? How is their aggression sublimated in their more complex social arrangements, like marriage, family life and education? How does it manifest itself in the multitude of other moral beliefs, like showing gratitude, promise-keeping, being fair, and so on, which regulate the ways in which we and, presumably, these creatures communicate and interact? And obviously this need not be the end to our questions.

On the face of things, the account suggested by the universalized form of (10), like (9), is unsatisfactory because it fails to come to grips with all that actually goes on in human social life. The problem is not that the latter is so complex that it defies our ability to describe it. Rather it is that the hypothesized situation implied by the universalized form of (10) is too simplistic. We cannot comprehend the hypothesized human social arrangements or the ways in which individuals will encounter one another. It is

doubtful that they have the arrangements or encounters they would have, if they were persons.

Also, for the purposes of example (10), it should not be forgotten that other animals have social arrangements and live in environments similar to those that we do. Yet we believe they lack something we have. To say that they are not 'persons' is only to offer a word where an explanation is needed. However it indicates something that we have but they do not; autonomy, a sense of our own identity, active sympathy, an ability to formulate our own moral judgements, and so on.

Lastly, in arguing thus, we might even accept the a priori possibility that the concept of morality could be stretched, so that (9) or (10) might hold as beliefs in a (human) moral code. However such an extension would have to be made. I do not know what it would be like for a morality of this kind to exist. The question we would then need to ask is: what is the picture of human social life implied by the universalized form of their judgements? What are the claims for it? If persons satisfy this description does it also do justice to them? If it appears to be incomplete and calls for modification or supplementation, what is left out?

The arguments above apply a fortiori to (11). The view that the only, or dominant, human needs are sadistic or in other ways depraved, is a conception of human nature that is preposterous. Considered as a basis for morality, it is filled with rational and psychological faults. For instance, to torture someone is to do something to his body or mind which the torturer believes his victim does not like. If he thought the victim liked it, while it might be excruciatingly painful this is not torture. Without introducing extraneous reasons how, then, could anyone universalize (11) in propria persona? How could Smith be said to be willing to accept the hypothetical case where his and Jones' position are reversed when ex hypothesi he thinks that to suffer torture is dreadful?

Consider briefly the view of human nature implied by (11). In our world, such an adult group would be thought to be psychopathic criminals. They would be destructive, apparently devoid of conscience and, as far as I can see, they would need to live their lives wholly independently of one another. When considered in its universalized form, a society in which the moral practices are based upon the (putative) need(a) to be sadistic would seem to require creatures with the intellectual powers, modes of communication, and general style of social interaction that, if it prevails anywhere, we find, not in a human society, but amongst certain wild animals; (and this is unfair to wild animals). We would say that the creatures the social scientists have discovered, while they may not be physiologically significantly different from ourselves, are not persons as we know them. Again the burden is on anyone who wants to say that they are, or to show us that their practices constitute a plausible account of a moral code.

I hope I have said enough to suggest that where reasons in moral judgements are based on the so-called destructive needs - when the hypothesized situation is sufficiently intelligible - the kinds of social interaction described by the universalized form of such judgements are not the action-guiding principles of a defensible view of a human society. Or, at least, I hope to have shown that if we assume the rule 'ought implies can', the universalized form of judgements based on the needs to dominate, to be aggressive, (and other embarrassments to moral dignity), describe practices and a manner of existence to which it would be empirically impossible for all persons to degenerate. Destructive needs of this kind are not universalizable-need reasons; viz. they cannot occur as reasons in rational universalized judgements. And so they pose no threat to a moral theory based upon needs (a) and (b).

The argument in the previous two sections has been predicated upon the simplified case of judgements in which a single need-reason applies. The question now presents itself: how do we decide which needs are more central, and given that two or more central needs will conflict, which need then takes priority? And how do we decide these things without sacrificing the neutrality of the universalizable-needs account?

4. Weighing need-reasons

Again we do not have to start from scratch. In everyday reasoning, we can and do weigh need-reasons for and against different courses of action, ranking and making comparisons between them.[186] We recognize that someone's need for something is greater or less than another's for the same thing; or that someone's need for this is greater or less than another's need for that. In other words, in the moral reasoning that we practise everyday, with fair success, we weigh need-reasons. What criteria do we use here?

Let me illustrate, first, the notion of a 'weightier' reason. Let us assume that Smith is trying to decide whether or not to give up smoking. When deliberating, he will consider various factors relevant to his making the decision; for instance, the statistical evidence which indicates that in all probability he will die if he continues to smoke a certain number of cigarettes each day. He will consider too, perhaps, the suffering to his wife and family caused by his early death; the evidence which indicates the deleterious effects that smoking has for his health; the hostile attitude of others who suffer from the effects of his smoking, and so on. Also in his deliberation, no doubt Smith will try to assess the possible bad consequences of his giving up smoking; like the fact that he finds smoking a pleasure, the negative effects that giving it up will have on other aspects of his life such as compensatory eating or his resulting ill-humour, the less

certain effects of his ill-humour on his family and friends, and so forth. To simplify matters let us suppose that at the end of this deliberation, Smith judges that he ought to give up smoking because it could eventually kill him. To say this, is to say that his possible early death outweighs all of the other considerations, especially those associated with his continuing to smoke. If the needs in question are this simple and if one need-reason dominates all of the others, then that reason is the weightiest and, a fortiori, is the one on which to base a rational judgement.[187]

At least in the most straightforward bilateral cases that call for a moral judgement, also we can say which of different needs(a), or combinations of needs(a) and (b), are the weightiest. Consider again the example where I observe that a child has fallen into the university pond. We would agree that if I can, I morally ought to pull her out of the pond, otherwise she will drown. This will mean getting my clothes muddy and my going home to change them; I will arrive late at my lecture; maybe I will catch a cold, and so on. Nonetheless compared with the avoidable death of a child, the inconvenience to me is insignificant. This is something we all believe. If one person can assist another who is in danger of losing her life, without the person giving the help thereby sacrificing a comparable need of his own, then there is a presumption that he morally ought to do it.

How do we tell, then, which proposed course of action has the weight of reasons behind it? If we were to treat the matter schematically, it seems we would go through a preliminary stage of setting out those needs which suggest a certain line of action and those which suggest another. On the one hand, the needs of the drowning child, e.g. her need to survive; on the other, the inconvenience to my projects or interests. Every need which is a pro-need sets up a presumption that I ought; 'the child may die', 'the child's health may be seriously impaired', and every fact

which is a con sets up a presumption that I ought not do the thing in question; 'I will get my clothes muddy', 'I will have to go home to change them', 'I will arrive late at my lecture', 'I might catch a cold'. If the needs are as clear-cut as they are in this example, then one need-reason dominates all of the others and that reason is the one on which to base the U.R.II universalizable judgement. The need of a child to survive outweighs all others. But why do we think this is so?

The answer appears to be that we usually use non-normative criteria to arbitrate between different needs claims. One such criterion is the **basicness** of the need in question. By 'basic' we mean that meeting this need is a necessary condition for all other needs that an individual has. In the example, if the child's need is not met this unalterably excludes all of her possible futures. To put the point another way: its basicness is due to the fecundity of the need in question. Her death destroys a necessary condition for all of her other needs. The child's physical growth and development, her future purposes and projects, self-realization, personal relationships, pleasures, etc. are forfeit. Another feature which gives weight to a need is the **urgency** required in meeting it. She will die, or her health will be seriously impaired, if her need is not met immediately. Weight is given also to the **certainty** of one need as opposed to another. There is little doubt that she will drown, if her need is not met. In contrast, there is doubt concerning some of the other needs involved. Will my health be impaired? Another consideration is the **propinquity** of the need, by which we will mean its nearness in time or place, or as we shall see, in kinship. Other needs being equal, it is the fact that this child is drowning here and now that makes it weightier than the equally basic, urgent, and certain needs of others, in far-off places, or at some distant time in the future. Finally, the weight given is sometimes determined by the **extent**, or

the number of needs which can be met. If I can save this child and avoid damage to my own health, and not break my promise to give the lecture, this course of action is regarded as supported by weightier reasons than one which leads to the satisfaction of fewer needs, or none. Let us look at these claims in more detail.

The basicness of the need is a prima facie good reason for taking it, rather than other conflicting needs, into account, in a moral judgement. Consider again the controversial example concerning nuclear war. Most of us, as I have said, think that nuclear war would be a disaster. However, some people say that it would be better that we all perish in a nuclear war than that we be made to live in a communist state. For a defender of this position, let us say, living in such a state implies the long term suspension of his needs to be self-determining, for justice, and so on. This is the worst of all possible evils. A nuclear holocaust is preferable.

Self-determination and justice, however, do not triumph if the world perishes and, on current estimates of the matter, a nuclear war would probably mean the annihilation of human life on our planet. It would mean the end of all self-determining projects and just institutions. In other words, the alternative needs are not on a par. Our need to survive is more basic and fecund when compared to other needs in this context. This is an argument, we should notice, not against the importance of self-determination, or justice, but against the non-survival of the world. Just as Socrates' argument (see p.376 ahead) against keeping one's promise to give the knife back to a madman is an argument against madmen with knives, not against promising (or knives).

Let me make the point differently. We said earlier that we owe a prima facie allegiance to freedom; if they are to flourish, people must be self-determining. But it is equally clear that we are not prepared to let people freely

do whatever they like. What is it about such things as murder or torture that makes us generally agree that people should never be free to do them? The answer I am proposing is that the latter rest on needs that are regarded as - that are actually - more basic and fecund. Thus it is sometimes true that arguments based on perfectly correct need(a)-reasons, yield to others because the former, rationally, weigh less with us. I should stress, however, that no need-reason is such that it rationally ought never to be surrendered. No doubt some fantastic examples could be thought up in which it could be shown to be neutral and rational to prefer the destruction of the world to the imagined state-of-affairs. We have taken care of this point. Need-reasons are prima facie good, not absolute, reasons.

The urgency of some needs make them weigh more heavily than others. The general points to be remembered here are, firstly, that one's need for anything is in relation to some end or objective and, secondly, we universally and non-volitionally need certain things in order to function or flourish. With this in mind, some needs can be more urgent than others. For example, ordinarily we would say that Smith ought to take his child to hospital because she is very sick, even though he has booked seats at the theatre for a play that he particular wanted to see. Why do we say that there is a prima facie duty on a parent to get the child to hospital? We consider that medical attention to a severe injury is urgent when compared with meeting the need for pleasure or enjoyment. Why is this? No doubt the basicness and fecundity of the need concerning an injury to her body determines the urgency here. However sometimes we have to choose between two otherwise equally weighted needs and we rationally prefer to meet the more urgent one. (For further discussion of this criterion see 'the triage argument', pp.423-425 ahead.)

The certainty of some needs compared with others is another objective ground on which to decide which needs are to be met. Other things being equal between a need that is more and one that is less certain, we rationally prefer the former; similarly, the more probable is preferred to the less probable. We noted above that the fact that a person derives pleasure from doing something is a prima facie good reason for his doing it; on the other hand, if this is certain to lead, say, to serious damage to his health, the certainty of the suffering later outweighs the possible enjoyment now. For example, the fact that a drug-taker will probably derive pleasure from this activity gives him a prima facie good reason for engaging in it; however the fact that it is certain to lead to serious damage to his health and perhaps an early death, is a weightier reason against it. The proposition that one need is more certain than another is not upset because someone shuts his eyes to it or is too foolish to see it. (For further discussion of this criterion see 'the Nauras Indian argument', pp.421-423 ahead.)

We determine or justify weightier needs, also, in terms of their propinquity. It might be thought that if the certainty of a need is allowed for, its propinquity is irrelevant. Remoteness in time is generally associated as a reason for uncertainty.[188] Our criterion, however, also includes nearness in place and in kinship. This helps to explain, for instance, why we feel we have duties to meet the needs of those who are close to us, like members of our own family, before trying to meet the same needs of others. Consider again the parent whose child is ill. One thing that is important here is that it is **his** child. He stands in a quite special relationship to this particular child and the closeness of the relationship helps to explain the weight given to her needs rather than to the same needs of others. Similarly, (to invoke a commonplace sentiment), 'Which parent would give their last crust to a stranger, if

their own children were starving?' To do so would seem to be contrary to our psychological nature. Also the adage appears to be sound from a rational point of view. It is odd to suppose that we should give the same weight to otherwise comparable competing needs; e.g. the same weight to the need for food of those who are distant from us, as we do to our family or loved ones. It is not at all clear, for instance, that someone who decides to keep his own children on the breadline in order to give bountifully to famine relief, is a shining example of a rational person. Indeed there are grounds for thinking him to be defective. One reason is that if he accorded everyone the same sort of consideration as he gives to his own family this would mean that the 'specialness' of his level of commitment to the latter no longer existed. By a parallel argument if, universally, the distinctive affection people usually feel for those close to them no longer existed, it would mean that something which has a lot of significance in the lives of most people, viz. the specialness of the attachments in which they belong, would be missing. Other reasons for regarding such conduct as <u>prima facie</u> defective include the fact that when he has children a parent is taken to have accepted the responsibility of providing food for them; that usually there is something a parent can do directly about his own starving children (feed them), and so on. All I want to notice here, however, is the unremarkable point that the special nature of some of our relationships can be accounted for in terms of their propinquity. And where this is so, other things being equal, it is rational to give more weight to such needs.

A similar argument applies to the needs of our neighbours. Few of us would stand by and watch our neighbours starve to death. This too might be accounted for also by the nearness of those involved. Along these lines, also, we might explain why we give weight to the needs of members of our own community before we spend money on

overseas aid. Other things being equal, the propinquity of one of two conflicting needs is the basis for a rational judgement in its favour.

At the same time, we are (increasingly) aware of the need for food, clothing, education, etc., of people in Third World countries. Why do we think that morally we ought to assist, when we have families and neighbours of our own who need feeding, clothing, to be educated? One answer is that, in practice, in First World countries most people are well-fed, clothed, educated. We do not feel the pull of propinquitous competing needs that are capable of overriding the need for food, etc. of people in the Third World. To put the point differently, when any special obligation we have to our own kith and kin has been fulfilled, we presume that the similar needs of strangers, their need to survive, for food etc., makes a moral claim upon us. We can explain our response here, of giving weight to their needs, in terms of our active sympathy for them.

Finally, weightier reasons are sometimes identified as those which maximise more needs than alternative reasons. A policy which results in less killing, or in fewer people suffering, a law that produces more freedom, more happiness, than some alternative policy or action, we would normally say, rationally ought to be preferred. This is to suggest that weightier need-reasons can be recognised, ceteris paribus, as those which would make for the satisfaction of the greatest number of needs. In saying this, I seem to be heading in the direction of utilitarianism.

This is not the utilitarianism expressed by the 'general good' or the equally nebulous 'general happiness'. Meeting needs(a) and (b) in some cases may lead to consequences that are different from the general good. In the first place, we usually regard a universalizable need-reason as prima facie more weighty than the general good. To take a simple example: it might be to the general good (e.g. economically) for the majority of the community not to provide food for a

minority group, say, long-term prisoners. However like everyone else, the convict's need for food is non-volitional, basic, certain, propinquitous. Despite the (putative) increase in general good, discriminating between persons in this way is non-universalizable and, thereby, inconsistent. We might say, however, that a weightier reason in a prima facie correct moral judgement can refer to 'the general happiness' when the latter is understood as a statement about the satisfaction or harm to the need(b) for happiness of each and every member of the community.

Similarly, when I say that weightier reasons are sometimes those which maximise more needs, this is not the utilitarianism of Hare with his emphasis on judgements of net preference. Needs, I have argued, make a claim on us far more compelling than preferences. Someone's judgement would be prima facie inconsistent, for instance, if it negates the self-determination of another person in the name of 'the net preference', especially since he acknowledges his own need(b) for self-determination by making this judgement.

There is a link, however, between the way we ordinarily give weight to needs and M.Singer's version of utilitarianism. We saw that he recognizes that certain actions or events result in undeniable disasters; an earthquake, tornado, shipwreck, plane crash, are disastrous on anyone's point of view. Why this is so, Singer does not say. Our 'needs calculus' (for want of a better phrase) gives content to Singer's claim. We think that something is a disaster when, due to aberrant circumstances, people can no longer function or are dangerously ailing. And these latter conditions occur when certain of their needs(a) and (b), regarded as being the weightiest, are destroyed or go unmet.

Using a calculus of this sort, then, we can and do weigh different needs. We can see also how, though they are universal and they are necessary for a person, one need(a)

can yield to another. We can see, this is to say, the beginning of an answer to the question: given that some central needs will conflict, which of them should be given priority? In the particular circumstances, we recognize one kind of need to be more basic, urgent, certain, or more widespread, than others. (I will deal with the issue of weighing conflicting needs in more detail in the next chapter.)

Before we leave this discussion, I want to make two additional points. Firstly, I am not suggesting that basicness, urgency, etc., are criteria on which the weighting of need-reasons morally should be based.[189] I am maintaining that they are criteria by which weight is normally attached to various need-reasons. The thesis is descriptive; it is a theory which describes the actual method used in rational adjudication. We may, of course, get particular answers wrong. Sometimes when weighing needs we make mistakes. We misunderstand or misweigh the needs of particular individuals; or when weighing an individual's need against the community good, we can fail to realise that we are actually weighing the individual's needs against the needs of others. Nonetheless they are some of the criteria which rational judgers actually do employ, particularly for settling hard cases.

By identifying them, therefore, I have not jeopardized the neutrality of my thesis. For suppose someone were to disagree with me here. Presumably our disagreement would concern, say, whether or not we do normally do use these criteria, whether or not we do give the priority to them in the ways I have suggested; or we may disagree about their appropriateness as rational criteria for weighing reasons one against the other. We would not need to argue as if these are issues which could only be settled by a principle provided by morality. In other words, I do not intend these criteria, or their ordering, to be substantive moral claims.

Secondly, judgements based upon them are not exact

calculations. The basicness of a need, for instance, cannot be measured. One might say, as we saw, that this need is more basic than that because it is more fecund in terms of the other needs that presuppose it; but that is about all one can say. Similarly, we can say that one need is more urgent than another, but not twenty-nine times more urgent or even twice as urgent. Degrees of probability (certainty) are also difficult to calculate. We can say that if a child who cannot swim is left in a deep pond, it is highly probable she will drown. Needless to say, there are not many situations where we can be this precise. On the other hand, the propinquity of different needs can be measured. My daughter is nearer to me in kinship than my cousin twenty-nine times removed; an event due to happen in Umtata today is nearer to me than one due to happen in Glasgow, tomorrow. However we have to choose here between, say, meeting a present need that is less basic and urgent, and meeting a need that it is highly probable will have to be met, but only in the long run. For instance, Smith has to weigh the current pleasure he takes in smoking against the future damage to his health or his long-term demise that could result. Finally the extent of the needs involved might be calculated by counting heads. However, here again this factor has to be weighed against all of the other conditions which may apply in a particular case. Judgements based upon such criteria are not exact.

It seems then that when it comes to weighing the needs of those involved, few judgements could be made with great precision using these criteria. However they must not written-off on this account. As J.Bentham (1789:66) says of his hedonic calculus:

> It is not expected that this process should be pursued previously to every moral judgement...It may, however, be always kept in view: and as near as the process actually pursued on these occasions approaches to it, so near will such process approach to the character of an exact one.

In a joint investigation, every universalizable-need reason sets up a presumption that one ought or ought-not to do the thing in question. Any one of these presumptions can be confirmed or rebutted if some other need-reason, or combination of need-reasons, is found to be weightier. What we have to decide is which are the prevailing need-reasons, and then relate them to each other, giving them weight along the lines of the calculus above. Occasionally, as in some of the examples, the matter is fairly clear-cut. However, this is not usually the case.

5. The complexity of moral judgements

Matters calling for a particular moral judgement are often complex. Usually we have to discover which underlying needs apply in a particular case. This is seldom an easy matter. As we saw earlier (p.106) the facts of the case may be uncertain or very complicated. As conditions change, different need-reasons may become paramount, (one need becomes more urgent, propinquitous, etc). So that the judgement that he eventually makes, calls for the judger's reflective appreciation of the situation, in the light of the needs of the individuals involved.

This 'reflective appreciation' requires, for instance, that he has an understanding of the biological and emotional states of himself and others. Well-established empirical generalizations in this regard are available and to meet the desideratum our investigators would have to be suitably informed. They would require, for instance, knowledge of such diverse things as the nutritional needs(b) of the elderly or the particular emotional needs(b) of children at different stages of their development. A parent may be well disposed towards his children yet do harm to them by misunderstanding the level of their emotional development; he may be well-disposed towards them yet ruin his children's health by overfeeding them.

We all need(b) pleasure and to avoid mental suffering. However the same event can make different people pleased, excited, angry, jealous, hurt, worried, and so on. If I had no idea about what sort of things pleased or displeased another person, (or what made them hurt, angry, jealous, etc), how could I possibly claim to be weighing the needs of those involved? This does not have to be as vague a matter as it might at first seem. There are well-established generalizations concerning the characteristic symptoms which accompany human feelings. Often we are able to recognize the emotional state a person is experiencing by identifying the symptom. We are able to correctly say "She is embarrassed", "He is afraid" and so on. To give some obvious examples, the embarrassed person is likely to go red in the face, the frightened person is likely to tense his muscles. Many emotional states are typically expressed in certain actions; the bored person fidgets, the disgusted person moves away. There are typical circumstances, or objects, which give rise to a particular type of emotion; a gun pointing at one inspires fear, a verbose lecturer brings on boredom.

The general point I am trying to make is that to recognize what a person feels emotionally in particular circumstances and thereby whether or not they ail or flourish, involves quite a range of skills and knowledge. It involves noticing facial expressions or bodily posture, or observing in which circumstances a certain type of emotional state typically occurs. Knowledge of this kind is required, if our judgers are to take account of the emotional needs of themselves and others when making a particular moral judgement. A joint investigation can falter simply through lack of information or due to factual ignorance.

The participants will have to be adequately informed also about the laws, social norms, conventional expectations, of a society at large and of the different social groups within

it. The form that any social life takes includes the existence of laws, rules, authorities, institutions, conventions, practices, etc. And different societies have different laws, institutions, practices, etc. But no society is without them. Further, we all have been socialized, early in life, into some such 'way of life', with its preferred beliefs, attitudes, practices.[190] A satisfactory investigation might require that we reflect on such beliefs, diverse codes and authorities, subjecting them to criticism from the point of view of unmet needs; or that we assess the appropriateness of the weight given to one or other need, in judgements concerning what ought to be done.

If the matter is pressed and I am asked how exactly anyone can tell which needs apply in a particular case, or how they can tell which need is more basic, urgent, certain, etc., I hope that it will suffice to say that we know how to apply such criteria by experience. The basicness or certainty of one need over another can be ascertained by anyone who has sense faculties and uses them, who has adequate knowledge and wits and uses them, and who has become through practice and experience expert enough to consider the possibilities and to eliminate them.

Finally how we decide between one need-reason and another may ultimately be a matter of discovery. One can discover, say, that a moral belief with which one was confident as one grew up, has changed; a moral rule, which one believed to be serious and weighty, is now empty. We can find, as S.Benn (1976:127) writes:

> ...that a principle or attitude, that once was taken to be constitutive of our characters, as making certain kinds of judgements 'unthinkable', has been eroded...

Usually it will have been eroded by the changes in our circumstances. Such discoveries are possible because we are self-determining, as Benn suggests (ibid). However this does not mean, pace Benn, that we can choose any reason we like, as if there are no limits to what can be universally

prescribed. I have argued that the limits are set by the universalizable needs(a) and (b) which apply in the particular case. What we discover is that because of the changing circumstances, certain need-reasons have become weightier.

One other point that it is important to see is that when making a judgement, there is no way of specifying how weighty a need-reason is, other than specifying which other needs it will outweigh in practice. I cannot say how important my need(b) for 'belonging to my family' is except by saying something like "It is so important to me that it requires that I give less time to philosophy". What this example brings out also is the personal character of certain decisions. When I discover the importance of a certain need-reason I may discover something about myself. The relative importance of my work and my family are their importance to me. For someone else, Brentano for instance, they might have a different weighting. However despite this personal element, not just anything goes. We do not decide what is to count as a need-reason. And when needs conflict, the weight given to them is determined, in a rational judgement, by criteria such as those we have discussed.

Nonetheless the relative importance of, for example, 'work' and 'family' may be different for different people. The conflict here is a difficult just because of the comparable importance of both underlying needs. In such cases, our decisions are likely to be determined more by 'the pull' of conflicting needs, than by rational considerations. (I will have more to say about this in the next chapter.)

Moral judgement-making, then, is seldom a simple or easy matter. However this does not disturb my argument that there are basic need-reasons on which a rational moral judgement is ultimately based. Universalizable need-reasons, I maintain, are the underlying reasons by which we can and do rationally justify our moral judgements.

6. Underlying need-reasons

A need-reason for a prima facie correct moral judgement may not be the actual reason given, or surface reason. A need-reason, however, will be the underlying reason. Thus I may judge

(13) Smith is not doing as he morally ought because he regularly overfeeds his children.

If it is to count as a rational judgement then I must believe that (13) is applicable, ceteris paribus, to anyone who overfeeds his children. This, we have seen, is required by the universalizability rule U.R. Thus

(13') If I judge that Smith is not doing as he morally ought because he overfeeds his children then I must judge that anyone who regularly overfeeds his children ought not to do so.

If exactly the same or a relevantly similar situation occurs, I must be able to make the same judgement. On the other hand, if the reason in (13) is judger-neutral, we can discover an underlying need-reason i.e. '...because a person ails if he or she is regularly overfed' (i.e. we need(b) to avoid over-feeding).

How do we recognise an underlying need-reason? One of the procedures we have used for testing whether or not a reason R is based upon a need(a) is to ask the judger: "Could a person be R/not-be R and continue to function?". Thus we ask the judger "Could a child be regularly overfed and not function?". And the answer in this case seems to be that this is logically possible. On the other hand, a procedure we have for testing whether a reason describes a need(b) is to ask: "Could a person be R/not-be R and given the world as we know it to be, flourish?". Thus we ask the judger in the case of (13): "Could a child be constantly overfed, (underfed, inappropriately fed) and given the world as we know it, flourish?". And the answer is "No, as a matter of fact it could not". This response could be supported by numerous empirical studies showing the bodily,

psychological and other problems faced by obese children.

Another procedure of testing for either needs(a) or (b) is to show that the reason in such a judgement is judger-neutral; (by which we mean that the correctness of the judgement in which it occurs cannot be denied by any clear thinking person). If the reason in (13) is based upon an underlying need-reason, we may restate (13) thus:

(13'') If Smith morally ought not to have regularly overfed his children because human beings need(b) to avoid over-feeding, then any rational person must judge that anyone who overfeeds his children ought not to do so.

Our strategy then would be to sketch the conditions implied by the denial of the universal in (13''); viz. the world as we know it - with its limited food resources, inhabited by children with a similar build, digestive systems and bodily make-up, and so on - in which the judger is willing to claim that all children could be and morally ought to be regularly overfed. I cannot think of a plausible argument favouring this and there are many obvious reasons for doubting that it could be so. Unless my opponent can convincingly state what he has in mind by denying (13''), the reduction of (13') to (13'') is legitimate. (13) is U.R.II universal-izable.

Usually the process will be more complicated than the way I have represented it. Often when making a moral judgement a variety of needs come into play. For instance, in most cultures the fact that one is married is held to be a reason for refraining from sexual intercourse with someone who is not one's spouse. Thus we may judge:

(14) Jones ought not to have sexual intercourse with Mary Smith because she is married.

But why is '...because she is married' a morally relevant reason? On my thesis it could be argued that this is because sexual infidelity is inimical to our needs(b) for trust and a sense of belonging; it thwarts the need(b) for

unity we find in family life, the need(b) that children have for continuing parental care and concern, and so on. By parallel reasons, the moral principle 'One ought not to commit adultery' would be regarded as based upon these underlying needs.

The process of identifying underlying needs, of course, can be even more complicated. But however complex it is, a rational moral judgement may be shown to eventually terminate in need-reasons. However, not all of our everyday moral judgements are complex. For example, we might judge

(15) Smith ought to F because he needs(b) to lead a happy life,

and that might be all that there is to say on the matter.

By taking the *fundamental or underlying needs involved* as the point at which the universalizability test applies, we avoid the difficulty that we raised in Chapter One (see pp.60-61 above), namely that every human situation is extremely complicated so that there will always be a relevant feature that one can pick out in a particular case, that can be universalized. Consider again the Nazi war criminal who claimed that he was only 'obeying orders' or 'doing his job', (neither of which are obviously morally unworthy reasons). The deceptive nature of this claim lies in the fact that most Nazi war criminals were not only doing this; their specific intentions were ancillary to more fundamental need-reasons which, when they are revealed, also exposes the rational ineligibility of the Nazi's judgement. Their underlying reasons seem to have varied from the negation of some other person's need(a) to survive (e.g "I'll kill whomever I'm told to kill"), to the even more appalling, non-universalizable judgement about genocide. The fact that we can U.R.I universalize most surface intentions is no embarrassment to a U.R.II universalizability test, which is intended to apply to the underlying needs(a) and (b) of those involved.

It is equally relevant to another problem we mentioned in Part One. If, in drawing up his will, Smith decides to give a favourite picture to his invalid child, we noted that here is a specific intention that cannot be universally acted upon. Similarly, the duties of parents to their children, the doctor's Hippocratic oath, the principle enjoining priests not to divulge what is told to them in the confessional, we said, are very specific and situational. Clearly they are not universal in the sense that they apply to everybody. Yet there can be no doubt that they are morally relevant and that we are willing and able to universalize them in the sense of applying them to everyone who falls within the range of their scope.

However our test applies not to the judger's surface reasons but to the universality of the underlying need-reasons of the cases involved. Thus Smith's reason for his judgement can be couched in terms of the underlying active sympathy he feels for the need(b) for physical well-being of his child; the doctor's Hippocratic oath, the principle directing priests to keep confidences, can be seen as surface descriptions of the underlying needs(b) that those involved have for self-fidelity and integrity, or their patients' or parishioners' needs to be able to rely upon them and to trust them in such contexts.

It might be asked: "Do you want to say that the motive for keeping moral rules of this kind is that keeping them enables us to satisfy underlying bodily and psychological needs?". My answer is a qualified "yes". My hesitation is due, in the first place, to the fact that it is not always easy to tell what the motive is for a given judgement. For example, if Smith helps the drowning child he may have the underlying motive of showing active sympathy for the child or, alternatively, it may have been self-interest, e.g. he wanted to foster a certain sort of public reputation. Since the life-saving act may equally well be done in furtherance of either, there may be doubt as to Smith's motive. Merely

asking him may not settle the issue. We may ask, of course, if he is willing to U.R. universalize either of the motives in question. He can work this out by asking himself if he can and would accept anyone doing the same act *in propria persona* in relevantly similar circumstances. However the answer might be that he does not know, or he is not sure of his underlying motive. He is unsure whether his motive was just to be helpful, for self-reputation, or both.

In contrast, the answer I would give to this matter is plain. My test applies not to the agent's motives but to a judger's reflective appreciation of the (underlying) needs of those involved, which will be apparent in the singular moral judgements he makes in a joint investigation. Since the (underlying) need-reason for his judgements will be the weightiest reason, then his judgements will be *prima facie* correct and any further judgements that can be derived from them by U.R.II universalization will be *prima facie* correct. Now if Smith's motive is to guide his action by need-reasons in the way suggested, his motives will conform to the judgements that any rational person would judge ought to be done.

Let me, finally, underscore some of the points in the argument above which warrant the claim that together, universalizability and needs provide a way of testing the rational and moral acceptability of particular judgements.

7. Universalizability, needs and moral judgement

To begin with, we assumed that the question 'Which moral judgements ought anyone to make?' must be answered by each person for himself. A moral judger is an autonomous agent. This, I maintained, is part of the connotation of the word 'moral'. It is only when he makes a judgement enjoining or forbidding a certain course of action, approving or condemning a character trait or life-style, etc., that his judgement is a moral one.

We have seen, however, that for his particular moral judgement to be rational, firstly, the judger must be **willing** to universalize it. Thus when Smith judges

(16) I ought to make a lying promise to repay Jones, because he will not loan the money to me unless I do,

if Smith thinks that (16) is justified, he must be willing to universalize (16) in propria persona. If Smith will not accept the universal case then he cannot consistently regard himself as justified in the present case.

Secondly, we have established also that for it to be rational, Smith must be **able** to universalize (16). It must fulfil certain logical and material conditions imposed by consistency A. And (as it stands) Smith cannot universalize (16) because in trying to do so he would be involved in a self-frustrating judgement, which is not logically admissible. For he would be trying to universalize a judgement to the effect that it be possible to make promises and to have them acted on and, at the same time, he would be willing that everyone morally should break their promise when they are similarly situated. In other words, if Smith's singular judgement were to be universally adopted, then the point of breaking the promise would be lost since the institution of promise-keeping, which the deceitful promise presupposes, would not apply in this context. This I take to be Kant's (1785:67-68) position when he claims that the categorical imperative alone, (a version of U.R.), would force the judger into some form of contradiction.

So why do we have to bother with all of the extra baggage of a needs theory? We found that the main reason for this theory is that, in actual application, U.R. has to be used in conjunction with a notion of contextual relevance. And where a reason in a singular moral judgement describes a need(a) or (b) of persons then this is a prima facie contextually relevant reason for the accompanying moral judgement. The importance of this point can be seen if we

compare my own with a Kantian position in this regard. With only the resources of U.R. (the categorical imperative) to hand, we do not know how to explain why, at the outset, 'promise-keeping' is of moral interest to us. Why would Smith, or anyone, pick on false-promising as a prima facie morally wrong thing to do whereas, say, looking at hedgehogs in the moonlight is not of interest to us morally? Why does the former, but not the latter, matter?

I have shown that an adequate account of (16) requires not only an account of the logical inability for anyone to universalize a judgement of this kind, but also an account which shows why an autonomous judger would pick upon false-promising as being of moral concern in the first place. My argument has been that when someone makes a false promise he violates a number of underlying psychological needs; (viz. our need(b) to trust other persons, for self-fidelity and integrity, etc.). Thus, like Kant, I maintain that when he makes a judgement like (16) the autonomous judger must be willing and able to universalize it. I too can say that Smith is not logically able to universalize (16). However by identifying the underlying needs involved, unlike Kant, I can say why promise-breaking, but not nocturnal hedgehog-watching, matters. Given its universalized form, we could not have an institution of promise-making, based on underlying needs of trust and reliance, which the deceitful promise presupposes. Furthermore, I hope to have shown that this is an example of the notion of relevance which is actually built into the universalized moral judgements (principles) of everyday moral discourse.

We should notice, in passing, that from the standpoint of our ordinary moral beliefs the Kantian interpretation is weak in another way. Sometimes our duty to keep promises conflicts with other duties we have. As Socrates argued (see Plato (1941:7)), if the only way to stop a maniac intent on killing someone is by making a false promise to him, commonsense morality would say that I should make the

false promise. Similarly, it would be quite usual and reasonable to argue that if the only way Smith can save his children from starvation is by making a false promise - if it is the only way - he should lie to Jones. Given only the resources of U.R. we would not be able to handle cases such as these. In contrast, rather than giving us categorical rules, I am interpreting need-reasons as presumptions, and the singular moral judgements in which they occur as being prima facie correct (not 'absolute') judgements. We should make promises which we intend to keep for the need-reasons given. There are circumstances, however, where we might invoke needs which weigh more than trust, self-fidelity, etc. and that maybe would justify a false promise. This interpretation still allows room for the advantages of the universalizability rule, in other words, without adhering to judgements which run contrary to commonsense morality. (We will return to this kind of dilemma in the next chapter.)

The important point against Kant here is that when making a moral judgement, universalizability has to be conjoined with a material (non-formal) condition. And my proposal is that the descriptions of certain underlying needs provide such a condition. They are the basis of our ordinary moral beliefs and, at the same time, the universalized judgements in which such descriptions occur as reasons, are judger-neutral (viz. non-contestable).

Let me emphasize also the other side of my argument. By itself, the theory concerning needs provides a necessary but not a sufficient condition for a rational moral judgement. An autonomous judger is able to use descriptions of needs(a) and (b) as relevant reasons in his particular moral judgements. Yet it is only if and when he uses such a description that it becomes a need-reason for the moral judgement that he makes. When he does so, then providing he is willing and he is able to universalize the judgement he makes (e.g. the reason does not describe a so-called

destructive need) then the universalized form of the judgement is judger-neutral, viz. non-contestable.

This is best seen in a joint investigation, where we attempt to answer the 'which moral judgements?' question. I am arguing that, jointly, U.R. and needs theory provide a sufficient condition for testing the rational and moral acceptability of singular judgements. Thus (i) any particular action-guiding judgement we make based upon a need-reason(a) or (b) is prima facie morally correct and (ii) any further judgement that can be genuinely derived by universalization from (i) is prima facie rationally correct. This is to say, so interpreted, U.R. can be given a material interpretation, viz. U.R.II. And, so interpreted, U.R.II has a direct bearing on moral judgements; it can be used to determine rational and morally correct judgements.

Let us take a concrete example. Consider again the case of Smith whose child is seriously ill. Ordinarily we would judge

(17) Smith ought to take his child to hospital because she is very sick.

I have argued that we can show that the reason given in (17) counts as a morally relevant reason by showing that it has to do with the satisfaction of certain needs. Thus firstly and most importantly, we can identify the child's need(b) to avoid suffering. Secondly, we can discover an underlying need-reason implied in (17), Smith's need(b) for sympathy. On the basis of this, Smith will feel intense pity for her (passive sympathy) and he will want to do all that he can do help her recover (active sympathy). Another thing that is important here, we noted, is that it is Smith's child. He stands in a quite special relationship to this child and the propinquity of the relationship helps to explain the level of commitment that Smith is required to show. But the commitment as such can be explained by Smith's underlying need(b) for sympathy. And it is the need for sympathy for her suffering - as well as the specialness of the

relationship - that can and should rationally weigh with him. Thus we may judge

(17') Smith ought to do something for this sick child because she needs(b) to avoid suffering and he needs(b) active sympathy for the child's suffering.

Now since this is a moral judgement based upon need-reasons, the universal moral judgement in which they occur will be the sort of judgement that any informed, reflective person - who is given the appropriate reasons and conclusion - must accept as the judgement that anyone morally ought to make. This is to say that we should be able to U.R.II universalize (17'), thus

(17'') If Smith ought to do something for this sick child because she needs(b) to avoid suffering and he needs(b) active sympathy for her suffering, then any rational person must judge that anyone who is in a position to help a sick child, morally ought to do so because of the child's need(b) to avoid suffering and because of their need(b) for active sympathy.

If (17) is prima facie correct then this is because of the underlying need-reasons. Thus (17') and the judgement derived by U.R.II universalization (17'') are also prima facie correct. Lastly, any further judgement that can be derived from (17'') is also prima facie correct. The universalized judgement applies to all of the relevant cases within its scope (see p.21 above).

Let me make the point in a different way. As I have said, the propinquity of the relationship is a reason for his child's suffering weighing more with Smith than the suffering of others. Now we could point out to the judgement-maker: "There are other sick children, suffering in just the same way that Smith's child suffers". And we could ask him: "Don't they too deserve pity and if Smith can do something to help them, should he not do so?". For we can argue by the needs thesis that all children are relevantly alike in their need(b) to avoid suffering, and

that all persons are alike in respect of their need(b) for active sympathy in such cases. We can go on to show by the U.R.II universalizability rule that rationally Smith or any person should give some weight in their moral judgements to the suffering of any child whom they are in a position to help, just on the grounds that this child needs(b) to avoid suffering and it is someone for whom he needs(b) active sympathy. If my thesis is correct, this is still a test of the rationality of such judgements rather than their moral worth.

We have seen also in this chapter, how a number of other uncontroversial singular moral judgements conform to U.R.II. Using reductio ad absurdum arguments I faulted their denials as being inconsistent, self-defeating, uniquely naming, or I showed that the hypothesized situation implied by the denial of the universalized form of the judgement, is incompatible with a defensible view of a moral practice.

Of course, none of this is to deny that there are moral practices that are different from our own and which suggest that our own might have been otherwise. (Any moral theory worth the name will admit this.) Obviously moral practices vary from one society to another; practices such as abortion or infanticide we noted earlier, are approved of in one society and not another. And no doubt there are ethical commitments that we take for granted, like those to be found in marriage or parenthood, which do not occur in other societies. Yet there are limits to such variations. Enquirers from different cultures are perfectly able to recognize the different rules as diverse ways of meeting shared needs. And in many cases, as we shall see, we may unhesitatingly refer to underlying needs as the basis for different moral rules. There is no arbitrary departure from the universalizable-needs thesis here.

Similarly the thesis is compatible with an ability to understand or imagine different forms of liveable social arrangements in any one society. Where there are differences

often this will be due to a difference in emphasis, or a difference of weight or importance given to a particular need. One way of life will encourage the need for self-determination, another will stress the need for active sympathy, while another may provide greater scope for pleasure, or physical well-being, and so on. There can be substantial differences and overlaps; all of which can be traced to different ways of ministering to things a person needs to function or to flourish.

All of this implies the curious result that a theory I claimed to be neutral (viz. non-contestable) leads ineluctably to certain concrete moral principles. For, if I have argued correctly, underlying need-reasons (a) or (b) are judger-neutral in prima facie correct universalized moral judgements. The universal moral judgements in which they occur, this is to say, are the sort of judgements that any rational person - who is given the appropriate reason and conclusion - must accept as the judgement that anyone morally ought to make. To put the point differently, such singular moral judgements will satisfy the rule U.R.II, viz.

> If it is judged that X morally ought to do F for the need-reason R, then any rational person must judge that anyone to whom R applies ought to do F.

When we bring these two aspects of moral thinking together, in other words, we obtain a material interpretation of the universalizability rule. We will discuss this result in more detail shortly.

We must first consider some of the remaining problems that I mentioned earlier. The first problem is: does the universalizable-needs account above apply to all moral judgements? As we noted earlier, we are frequently faced by mutually incompatible needs (i.e. 'family' and 'work') both of which appear to be compelling but only one of which can be met. P.Winch expresses the bewilderment of someone who is in such a dilemma, when he writes (1972:161)

> 'On the one hand I should do this, on the other I ought to do that. So what really ought I to do?'

The rub here is, of course, that this is not an uncommon situation. Where two needs conflict in a particular situation one of them has to give way. Both Winch and A.MacIntyre claim that moral judgements, in these contexts, do not to require universalizing, (although MacIntyre, unlike Winch, does not restrict himself to moral dilemmas). It is perfectly possible, they say, for me to judge 'X morally ought to do F' without thinking that anybody else in a similar situation is, or would be, obliged to do F.

A second problem is to say why exactly anyone's moral judgements should conform to a universalizable-needs account. Even if U.R.II is, as I claim it is, a neutral criterion with which we can determine morally right and wrong judgements, the question still remains: why should anyone judge in accordance with it?

A third difficulty is to show why my account should be preferred to opposing views of human needs. We noted, in the last chapter, that my analysis is based upon a disputed view of human nature. What arguments can I give to a psychological egoist to show why my account should be preferred?

A fourth remaining problem is to show, in a conclusive way, that a simpler theory based upon hypothetical or actual rational self-interest cannot provide a satisfactory analysis and deliver the same results as one, like ours, that includes the other-regarding need for sympathy.

A fifth difficulty is to say how my account will handle the problems presented by moral deadlock. By the latter we mean the not unusual situation when two or more judgers each believe that their own judgement, but not their opponent's, is correct. How does my account provide an answer to the deadlock, say, between the Catholic housewife and her doctor? Both believe that their own judgement is correct and that their opponent is wrong. Most of our intractable moral disputes are of this kind.

CHAPTER EIGHT

CRITICISMS AND CONCLUSION

In this final chapter I will defend the universalizable-needs thesis in more detail. I have mentioned six general problems. In section (1) and (2) I will attempt to answer the objection that U.R. is not a necessary condition of moral judgements and that by making it so, I am not being neutral but taking a particular and controversial moral stand. Using an example from A.MacIntyre (1957), I will show in (1) that not any resolution to a moral dilemma counts as 'a moral judgement'. And using an example drawn from P.Winch (1972) I will show in (2) that if, to resolve a moral dilemma, you and I judge differently, it is not intelligible to hold that both judgements are morally correct. In section (3) I will attempt to answer the question: Even if U.R.II is a criterion with which we can determine rational moral judgements, why should anyone be rational in their moral judgements anyway? In section (4) I will suggest some defects in the psychological egoist's opposing view of human psychological needs. In section (5) I will deal with the claim that rational self-interest alone is all that has to be assumed to explicate our commonsense moral beliefs and practices. In section (6) I will show how universalizable-needs theory provides a solution to some of the moral conflicts raised earlier in the essay. I will finish, in (7), with a summary of the major conclusions of my thesis.

Let us begin with MacIntyre's objection to the universalizability rule.

1. Judging and plumping

A.MacIntyre (1957) argues that the universalizability rule is not a necessary condition of moral judgements. He gives as an instance of a non-universalizable judgement

Sartre's example of a young man torn between joining the Resistance and caring for his elderly mother. The point of the example, for MacIntyre,[191] is whether in deciding that he morally ought to do one thing rather than the other, the student is making a judgement which he logically must universalize. Or is he merely deciding that this is what he morally ought to do? MacIntyre claims that it is the latter. He writes (1957:326) that the young man

> ... might decide what to do without being willing to allow that anyone else who chose differently was blameworthy.

The young man might decide that matters are so evenly balanced that it is impossible to say which of the two is the right decision. Yet he might be forced by the circumstances - as often happens - to make a choice, without thinking that his choice has the weight of need-reasons behind it. In which case, MacIntyre (ibid:328) observes:

> ...(he) might on moral grounds refuse to legislate for anyone other than himself, (perhaps on the grounds that to do so would be moral arrogance).

In a moral dilemma, to say of one's own choice - about which one is uncertain yet which one is forced to make - that anyone else must choose the same, would be moral arrogance.

However, if he is forced by the circumstances to choose one alternative (say, to stay with his mother), it is difficult to see why MacIntyre should regard such a choice as 'a moral judgement'. It is, after all, moral judgements to which the universalizability rule applies. We would say, rather, that his uncertain choice is a case of plumping for one course rather than the other, not judging between them. The student is ambivalent about the decision to be made.[192] Presumably, he thinks that the alternative course of action is supported by equally compelling reasons e.g. his patriotic duty to join the Resistance. If this is so, I think that the more accurate declaration of his intentions would be to say "I have decided I will stay with my mother" rather than "I have decided that I morally ought to stay

with my mother". In other words, "I cannot judge what I morally ought to do, but this is what I will do". In which case, he might go on to say "But not only would I not blame someone else who, in my shoes, acted differently, I would not even say he is mistaken".

If MacIntyre were to insist that the notion of 'judgement' is applicable in the example then the decision must be based upon reasons, e.g. his mother's dependence upon him. The point is only where we judge that a course of action has the weight of reasons behind it, can we properly decide "I morally ought to do F rather than G". It is difficult then to see how it can be maintained that the judgement is not, implicitly, about what anyone morally ought to do, in a similar situation, where the reason obtains. For to make such a claim, as we have seen, is to say that one's moral judgement has the weight of reasons behind it. This is consistency not arrogance.

Otherwise he might judge that any person in similar circumstances must conclude that the moral reasons for either course are of equal weight. Hence, by U.R., for anyone in such a situation, there is not a sufficient reason to make a moral judgement one way or the other. However, again this commits him to saying that anyone who judges differently is mistaken. For he concludes that a judgement cannot be made in these circumstances whereas his opponent thinks that a given line of conduct is supported by the weightiest reasons.

I want to make two further points. The first concerns moral arrogance. If I really do not know what to do but have to plump for one alternative, then to blame you for not doing likewise, is not arrogance, but stupidity. I blame you when I do not think you are mistaken! However even when I think that you are mistaken this is compatible with an unwillingness to blame you. I do not blame people who hold different, and I believe mistaken, moral views from me on such uncertain matters as abortion. Again, to blame them

when I am so uncertain, would be stupid rather than arrogant. (Although, as we shall see, I may not say that a person who decides differently is also "morally right".) U.R. is consistent with the occasional refusal to blame those with whom we disagree.

So what is moral arrogance? One manifestation of it might be where one person passes a judgement that is disdainful of the conduct of another, when the judger does not know all of the facts. It may be sign of arrogance, for instance, to condemn the mother who batters her child when I lack the knowledge of some mitigating feature of her situation. I can think that she behaved wrongly, without regarding her as a moral delinquent. Perhaps a clearer case of moral arrogance is when I declare that my behaviour or character is obviously morally superior to the behaviour or character of others. I think we would say that my arrogance increases if, at the same time, I am contemptuous of the conduct or moral defects of others; and it increases even more when I turn a blind-eye to similar weaknesses of my own. The point is, whatever its correct definition, I cannot see that MacIntyre's claim - viz. that some judgements are non-universalizable - can draw sustenance from the warning that where the universalizability rule is applied, this might appear to be morally arrogant.[193]

The second point is to see how the universalizable-needs theory helps here. Let us suppose that our joint investigators try to decide whether or not the student should stay with his mother or join the Resistance. I hope I have established that to be rational they must be willing to universalize any judgement they make. But it will not do merely to say this. They must also be able to do so. To be able to universalize, the reason for their judgement must be relevant. And if it is based upon needs then it will be prima facie morally relevant. However only when it has the weight of universalizable need-reasons behind it, will this be the rational, morally correct judgement to make. In

which case, anyone in a sufficiently similar situation who makes the same judgement also makes a morally right judgement.

In the example, however, all of this will not be of much help. For ex hypothesi the student is precisely puzzled over which alternative is supported by the weightiest reasons. We said that he may be forced by the circumstances to plump for one or other of them. But I hope to have shown that to call this plumping a 'moral judgement' is to use the latter term deviantly. So how does the universalizable-needs theory help us here?

One thing that my thesis does help us to see is the nature of the dilemma as a dilemma. In order to see the matter as a moral dilemma, it is necessary to see why it matters, viz. that some fairly central needs are at stake. Someone who did not see, on the one hand, that a son should try to support his mother in such circumstances, rather than let her starve to death, or grieve to death; or who did not see, on the other hand, that Nazi tyranny had to be resisted, (or who failed to see the moral force of the other needs involved), would not understand the example as a dilemma. The source of the conflict, I maintain, is to be found in human needs. Sartre has implicitly appealed to them to put the student's plight before us as a dilemma. It is because the needs are so evenly balanced on either side, it does not seem that one need-reason can outweigh the others.

Initially we may be drawn to the conclusion that there is no right answer here; all the student can do is to plump in a non-rational fashion. However such a conclusion is, I think, too hasty. Firstly, it overlooks the point that often moral puzzlement can result due to lack of knowledge or due to the complexity of the facts of the case. Sometimes there is a factual dilemma, so to speak, rather than a moral one. Will the student ever reach the Free French headquarters? And if he does, what will he achieve

there? Will he spend the rest of the war filling in forms in an office somewhere far from the front? Secondly, it fails to do justice to the fact that often, in such conflicts, we are serious in our search for the weightiest reasons. Thirdly, it overlooks the point that there are a variety of underlying needs that have to be identified and weighed, in order to make the judgement. The resolution of the moral dilemma can be a matter of determining that one need-reason is more basic, urgent, certain, etc., than another. For instance, the certainty of his contribution to meeting his mother's needs (e.g. for food, to be cared for) when compared with the uncertainty of his contribution to the Resistance, may be the decisive reason. And fourthly, there is the point that the process of deliberation can be a process of discovery for the judger. Let us consider the latter.

Suppose that after serious deliberation, faced with the possibility of leaving her, he realizes that she means more to him than anything else in the world. The importance to the student of his feelings for his mother relative to the Resistance, may be their importance 'for him'. Someone else with a different kind of relationship might give this a different weighting. However, together with his mother's need to be cared for, the discovery for this student is the certainty of his own need to express his active sympathy for her. These are <u>prima facie</u> good reasons for the judgement that he morally ought to stay. If this is so, the student may U.R.II universalize along the lines: 'Anyone whose mother's needs(b) are this basic, certain, urgent, and whose own need to actively express the love he feels for her is this certain, ought to stay with their mother in similar circumstances'.

I have two other points to make here. Firstly, we have seen that when two needs conflict one of them has to give way. Since this can happen to any need-reason, it follows that there is no absolute moral principle, in the sense that

it is a paramount duty to follow it on all occasions when it applies. Secondly, whatever decision we make in a moral dilemma, the pressure of the unsatisfied needs remains as a moral force. Some relevant needs are being forfeited. In my version of Sartre's example, the mother's needs are judged to be paramount. This does not mean that the need - and, thereby, the prima facie moral obligation - to resist the Nazi tyranny has no force at all, (see p.372). Also there are other underlying needs, of belonging, trust, self-fidelity, expressed in a principle like 'One ought to be loyal to one's companions in the Resistance'. To meet these other needs, if he can, he ought to serve the cause in some other way. If this is not possible he is bound to feel some remorse at the knowledge that he is letting people down.

Even after conscientiously deliberating, in these difficult matters, often different people will draw different judgements. When this is so, though we judged differently, can we say that the other person is not merely unblameworthy but that they too are 'morally correct'? P.Winch (1972) thinks so.[194]

2. Judging in a moral dilemma

Winch says that he accepts the universalizability rule for some spectator judgements. He does so (1972:154) on the grounds that

> ...considerations of consistency, intelligibility and rationality do apply in moral matters;...

However Winch claims that there is a certain class of moral judgements which are not subject to the universalizability rule, namely, one's own and another's judgement when dealing with a moral dilemma.

Winch uses as his example of a moral dilemma, the predicament of Captain Vere in Herman Melville's story Billy Budd. At sea on active service, the master-at-arms of H.M.S.Indomitable, Claggart, bullied and provoked one of the ship's crew, the good-hearted Billy Budd. This culminated in Claggart falsely accusing Budd, before Vere, of plotting

a mutiny. In the stress of the situation, Budd is afflicted with a speech impediment which prevents him from answering the charge. Frustrated, Budd strikes Claggart and unintentionally kills the master-at-arms. The captain of the Indomitable suspected that the accusation against Budd, of mutiny, was false and saw how it provoked Budd. Yet Budd killed a senior officer. The hapless captain has to decide between the death penalty (the requirement under the prevailing naval law for killing a superior officer) and the demands of natural justice. In the story, Vere judges that he ought to follow naval law, to which - Winch tells us - he is morally committed, and Budd is condemned to hang. Winch thinks that had he been in the captain's position he would have judged differently, and correctly. Winch (ibid:163) notes:

> I should have found it morally impossible to condemn a man 'innocent before God' under such circumstances.

In reaching this decision, Winch adds that he would not appeal to any factual considerations over and above those to which Vere appeals.

Winch goes on to claim, however, that Vere's judgement is also morally correct. Winch's point is that the same factual considerations could strike different people differently. If what one morally ought to do is ultimately a matter of acting on those considerations which strike one to be the weightiest, then one must allow that Vere's convicting Billy Budd and Winch's acquitting him can both be morally right. Winch (ibid:164) writes:

> I am holding that if A says 'X is the right thing for me to do' and if B, in a situation not relevantly different, says 'X is the wrong thing for me to do', it can be that both are correct.

Winch thinks that this shows that not all moral judgements are universalizable. When someone judges, after serious and sincere thought 'This is what I ought morally to do', he is not thereby logically committed to the corollary 'And anyone

else in a situation like this ought to do the same'. Thus the universalizability rule breaks down in such situations.

I think that Winch is wrong. And so, for quite a different reason, would Captain Vere. He understands and to some extent shares the scruples of his fellow officers (and Winch), who feel the pull of the claim for natural justice. After all, he suspected that the accusation of mutiny was false; he saw how Budd had been greatly provoked by it; he witnessed the absence of intention in the event that caused Claggart's death. Although this does not prevent Vere from arguing his fellow officers out of their inclination to acquit Budd. Vere (op cit:157) says:

> ...the exceptional in the matter moves the heart within you. Even so too is mine... But tell me whether or not, occupying the position we do private conscience should not yield to that imperial one formulated in code under which alone we officially proceed?

For Vere there is no doubt what morally ought to be done. His judgement that Budd should be found guilty is based upon the conviction that the demand for natural justice must give way to the demands of the military code. Vere's concern throughout is how a naval officer - any naval officer - should act in the circumstances. It was his duty as a naval officer to convict and hang Budd. Any officer who did not convict would have failed in his duty as a naval officer. It is not, then, that Vere does not have complete confidence that his is the morally right judgment.

Similarly, let us assume that Winch holds his conflicting judgement with equal conviction. If his is not a particularly strong conviction, then the merit Winch finds in Vere's belief is a good reason for Winch refraining from making his own contrary judgement. It will always be possible for someone to question Winch why the reasons for acquitting Budd tilt the balance. He cannot answer "In the absence of a reason I tossed a mental coin". (Like the magistrate in Chapter Two, Professor Winch must have a good reason for his conclusion, if his claim is to count as a

'judgement'). Looking over Vere's shoulder, as it were, Winch judges that had he been the captain, in exactly the same circumstances, he would have found Billy Budd not guilty. The morally correct judgement, for anyone concerned with the issue of natural justice, is that Budd is not guilty and must not hang. Hence Winch believes that, like Vere, he too would have been morally correct. However, this seems a very odd conclusion.

What exactly could Winch mean by suggesting that he regards both his own and Vere's judgement to be morally correct?[195] Does Winch mean (i) that the dictates of his own, Vere's, or any sincerely made judgement are always right? Clearly this view leads to contradictions. It suggests that any sincerely made judgement, a Nazi's, an anti-Nazi's, etc., must be judged to be morally right. In the case of moral judgements, moreover, to say that they are correct is to endorse them (see pp.113). Winch cannot say "This is a correct judgement though I think it is false". And to endorse simultaneously, mutually incompatible judgements is self-nullifying and incoherent.

Alternatively, does Winch want to say (ii) that in this type of predicament, it would have been morally wrong for Vere to act against his conscience? All that Vere or anybody can do in this type of dilemma, is to complete the theoretical task of arriving at a judgement and then act in accordance with it. After serious and sincere thought, what a person's conscience then dictates is morally right, is right for him.

Again this interpretation will not do. Firstly, if what I have argued in Chapter One is correct, the idea of a moral judgement has a breadth of considerations built into it. It must be fully consistent (i.e. universalizable <u>in propria persona</u>). The question 'What morally ought I to do?' commits one to asking 'What morally ought anyone to do?'. Secondly, while it would be admitted that only with extreme reluctance should anyone be required to act against his own

conscience, this must, in the last resort, depend upon what the individual's conscience dictates to him. Following his own conscience, for instance, cannot exonerate a Nazi from making the wrong decision or exempt him from moral condemnation.

Is Winch saying (iii) that he sees the captain's judgement follows from Vere's belief in the supremacy of naval code and that his own (Winch's) judgement follows from the belief in natural justice? In other words, does Winch want to say that both decisions are equally correct morally, in the sense that he can see that each follows from their different assumptions? If this is so, it is a feeble explication of what is meant by calling a judgement 'morally correct'. Presumably, in this sense, Winch would have to say that the Nazi's views are 'correct' in that they follow from certain aspects of the doctrine of Aryanism.

Is he saying (iv) that both answers are equally correct, so that when it comes to making a rational moral judgement he cannot decide between the two? However he prefers one, for some unspecified, non-rational reason; e.g. 'It is just a feeling I have'. (We will consider this latter point in more detail in section 6.) If so, Winch would have to say that the moral dilemma is such that he cannot arrive at a rational judgement and for this reason universalizing cannot occur. However, since ex hypothesi there are no rational grounds for judging between either A or B then this does imply a universalizable judgement, viz. 'In this case no one should judge between courses A or B'. What Winch cannot mean by 'correct', of course, is (v) that he endorses both his own and Vere's opposite view.

So where does Winch go wrong? There seem to me to be two possible answers to this question.[196] Firstly, it is likely that Winch has misdescribed his own response to the example. In Melville's story, Vere is presented as a man of conspicuous integrity, concerned above all to do his duty however unpleasant the duty may prove to be. It is

understandable that Winch respects Vere for this and feels sympathy for his predicament. A person in such a predicament, who has worked out what he ought to do as carefully and conscientiously as can be expected, should not be rebuked for acting on the results. However a good person, faced with a dilemma as difficult as Vere's, may well make the wrong decision. A spectator can see and say this, while feeling sympathy for the judger's predicament. Winch need not conclude, in other words, that Vere is blameable for judging as he did; or that it is the judgement of a bad man or of a person deserving censure. The temptation is to conclude from this, as Winch seems to, that we cannot therefore say that Vere made the wrong decision. The temptation is not difficult to understand but (rationally) should be resisted.

The other possible answer is that Winch is making the same mistake as MacIntyre. To put the matter as succinctly as I can, often a moral dilemma is such that we cannot, or do not, arrive at a 'judgement'. Hence universalizing cannot occur. In such a conflict-ridden context, if a judger concludes 'I morally ought to do F for the reason R', without implying that another person in the same situation also ought to do F, the force of the so-called non-universalizable judgement (which supposedly resolves the dilemma between two conflicting obligations) is no more than 'I am inclined to do X' or 'I will do X'. We can call such a resolution 'a moral judgement' if we must, but this is only because it occurs in a moral context and not because the decision is itself a moral judgement. In other words, in the cases where ostensibly moral judgements are claimed not to be universalizable, the term 'moral judgement' is being used deviantly.

I have argued that not just any resolution to a moral dilemma counts as a 'judgement' and to resolve a moral dilemma, where you and I judge differently, it is not intelligible to hold that both judgements are morally right.

Rather, when we end some deliberations it is sensible to accept that we are still faced with alternatives, none of which is obviously weightier than the others. We may be forced, by the circumstances, to arrive at a decision. There can come a point at which the judger runs out of time, or ability, and he is left to his own preferences, hunches, sensibilities, or some other basis for making a non-rational choice. But then this must be seen as a preference, hunch, or a stab at an answer, not a moral judgement.

3. Why should anyone judge in accordance with U.R.II?

Another difficulty for my thesis is to explain why exactly any autonomous moral judger should adopt the universalizable-needs account. There are two points here; (i) 'Why should anyone's singular moral judgements be universalizable in propria persona?' and (ii) 'Why should he give universalizable need-reasons in support of his particular moral judgements?'. The quick answer to (i) is that this is not a matter of choice. U.R. is a necessary condition to be met if one's singular judgement is to be consistent. If he is not willing or able to U.R. universalize it then his judgement is rationally faulty.

My response to question (ii) requires me to be a little more circumspect. In our earlier discussion we found that one answer is that universalizable need-reasons are the basis of relevant reasons that we do give in ordinary moral discourse. Anyone who seeks to understand existing moral beliefs can do so on the grounds of meeting underlying needs; anyone who wants to criticize a judgement, belief or custom can do so on the grounds that the judgement, belief or custom fails to meet certain needs.

A second response to question (ii) is that a rational person cannot help but base his moral judgements on such reasons. It is tantamount to asking: "Why am I the kind of creature subject to the bodily and psychological needs that I have?". Only if someone never has purposes or projects,

lacks a sense of his own identity, feels nothing for the well-being of others, and so on, is (ii) at issue. If this is the case however, he is, psychologically, more than a very peculiar person. He really ceases to be a person at all. Which leads us to a third response to (ii) which is that while there may be differences between one moral practice and another, there are limits to these variations. Limits set, I maintain, by the needs (a) or (b) of persons. The absence of the needs discussed would make it doubtful if we were still talking about the moral practices of a human society. If these arguments are correct, universalizable need-reasons are prima facie good reasons for anyone, in the appropriate context, to make the same judgements.

I have shown, fourthly, that judgements which have the weight of universalizable need-reasons behind them are judger-neutral; they are the judgements anyone, in the appropriate context, would rationally make. So the short answer to the question: 'Why should anyone's moral judgements satisfy U.R.II?' is that, in moral contexts, this is an obvious way for someone to judge rationally.

We can do even better than this. Another answer to the question 'Why should universalizable-needs guide an autonomous judger?' is because the judger we have been discussing is engaged in a serious investigation in which he has decided only to accept judgements which are supported by the best reasons. We can show to anyone who is so disposed that, in moral deliberation, a need-reason is contextually relevant and gives rise to the presumption that the singular judgement in which it occurs is morally justified. And that the universalized judgement is a judgement anyone, in the appropriate context, would rationally make.

Some critics might try to dispose of this latter claim by, once again, countering that it is not genuinely neutral. It seems that I am prescribing a certain class of moral judgements; i.e. we morally ought to be guided by those judgements which have the weight of universalizable need-

reasons behind them. Thus, it might be said, U.R.II is a disguised moral claim.

As far as I can see I am not committing this sin. I have argued that one's singular judgement ought to be U.R.I or U.R.II universalizable. If it is not, it is either rationally or contextually faulty. The 'ought' here is not within morality; it is moral only in the sense of being about morality. Next I went back to some of our fundamental moral beliefs. I tried to identify their source in human needs. I did so, in order to provide a definition of 'moral relevance' which seems to accord with the purposes for which our ordinary non-controversial moral beliefs exist; judging and acting in accordance with such beliefs meets the needs identified. I showed that this analysis can be supported by rational considerations. Need-reasons in singular moral judgements are prima facie good reasons; they do not entail the moral judgements they support, yet neither are they merely contingent. What we found is that where the relation between the two is denied, quite fundamental concepts like that of 'a person' and 'a moral practice' are thrown into doubt. By claiming that a judgement (rationally) ought to conform to U.R.II, therefore, I am committed only to the view that this is an obvious way for someone to judge rationally. It is, so to speak, a way of expressing oneself as a rational judger. We cannot exclude all prescriptive import from such a claim. The 'ought' here, however, is the type which prescribes practical consistency and contextual relevance in the execution of our moral judgements.

I have argued that when judgements are supported by universalizable need-reasons the judger is adopting a rational point of view. Even if the argument is correct, a further question still has to be answered: (iii) Why ought anyone adopt a rational point of view?

It is worth noticing, in passing, that it is sometimes argued that (iii) is not a sensible question because moral beliefs are just those beliefs we regard as overriding.[197]

Overridingness serves as the criterion of what is moral. It is then absurd to ask "Why rationally ought anyone adopt a moral point of view?". Take, for example, the belief that one should keep promises. Since this is your moral belief then it is overridingly important to you. You cannot then ask "Why should Smith keep his promise to repay Jones?" for, since you have made a moral decision which overrides everything else, no further practical question can arise.

I do not accept this view for a number of reasons. Most importantly, it places no restriction on the content of moral beliefs. Merely to define them as 'those beliefs one thinks to be overriding' allows uniquely naming, bizarre and obviously non-moral reasons to be moral beliefs. By insisting upon the U.R. interpretations, U.R.I or U.R.II, we rid our theory of reasons of this sort. In the case of the latter, at the same time we can explain the overriding nature of moral beliefs - i.e. why they matter to us - by pointing to the role needs play and the priority we give to one another's needs in our moral judgements. Only now their overridingness is a consequence of the requirement that our moral beliefs are based upon universalizable need-reasons. Let us return to the question (iii): viz. 'Why ought anyone adopt a rational point of view?'.

Another reason why some people might think that (iii) is not a sensible question is that it seems to presuppose its answer. They think that it is like the question 'Why should I be rational?' i.e. why not give preference to non-rational considerations rather than rational ones? There is a standard and I think a correct answer to this question. As an answer, the questioner wants a (rational) reason. So the questioner must accept that one should be rational because he asks the question. As W.Frankena (1963:98) writes:

> ...one can only ask for rational justification if one is willing to be rational.

This shows that being rational really needs no justification because it cannot be intelligently questioned unless it is presupposed.

However the question 'Why ought anyone adopt the rational point of view argued for in this essay, as opposed, say, to self-interest?' is a perfectly sensible question. We have met it before. We have seen that some philosophers argue that rational self-interest is all that is needed to establish a moral point of view. This is a meta-ethical view about that logic of moral beliefs which is quite contrary to my own. We will come back to it shortly. There is a more pressing problem.

Some people think that necessarily everyone is always motivated by self-interest. In recent times this view has been resuscitated by behavioural psychologists[198] and sociobiologists.[199] In effect they argue that unless it can be shown that it pays a person to be moral, morality is impossible. This conception of our psychological character is quite contrary to my own. Thus it might be said that my discussion of needs is based upon a controversial view of human nature. So before I can establish the claim that the universalizable-needs thesis is the best way of expressing one's character as a rational being (in moral contexts), I must dispose of psychological egoism.

4. Psychological egoism and universalizable-needs

Psychological egoists hold that all actions are and must be self-interested, meaning by this that no person can deliberately choose to act in a way that he thinks is contrary to his own self-interest. We are told that human nature is so constituted, there is always the motive of self-interest behind any judgement or action, even one that appears to be done from the desire to further the happiness or to lessen the suffering of another.

In making this claim, the psychological egoist does not need to portray human nature as completely self-centred.[200] In Bentham's moral theory, for instance, a form of psychological egoism is the basis for utilitarianism. He writes (1789:33)

> Nature has placed mankind under the governance of two sovereign masters pain and pleasure... They govern us in all we do, in all we say, in all we think: every effort we make to throw off our subjection will serve but to demonstrate and confirm it.

As a matter of psychological fact, to get a person to choose to do something, you first have to make sure that he will gain something out of it - money, position, prestige, personal satisfaction, or just a warm glow inside. Bentham went on to say, of course, that people can be encouraged to gain maximum satisfaction for themselves by doing things for the general good.

Few other philosophers would deny the importance of self-interest to a coherent account of morality. This is not at issue. The question is: can an adequate explanation of the motive to judge and to act on traditional moral principles be given in terms of self-interest alone? How is our commitment to moral principles like feeling and showing gratitude, keeping promises and being fair, to be explained? How are we to explain the rescuer's decision to help the drowning child?

Some form of self-interest might explain the latter action. By helping the child, the psychological egoist might say, you will put it or its parents in your debt and increase the chances that they will help you some day. Also you will improve your reputation in the eyes of others so that they will be well disposed towards you. Otherwise, we might explain the action in terms of 'removing the immediate cause of your own (the rescuer's) emotional upset', viz. the distress of seeing a child drowning (see p.253). In these and others ways, while you may help another person this is only because it is in your own self-interest.[201]

Our commitment to moral principles like promise-keeping and justice, as we have seen, can be explained in a similar way. For example, it benefits a person when he keeps his promises. Others will think him to be trustworthy and reliable; in the long run, if not straight away. On the

other hand, if a person did not keep his promises, others would no longer trust him and would not enter into agreements with him. So simply out of self-interest, we can explain why we ought to keep promises. Similarly, it is in one's self-interest to live in a stable society; it might be supposed that the observance of Rawlsian principles of justice is a necessary condition for such a society. Along these lines we may define a moral code, e.g. principles of promise-keeping, justice, gratitude, etc., as the rules necessary to keep society together. Then to say "I morally ought to do F" is just to say that F is a social rule and it is in my self-interest to obey these rules because if society collapses, I shall have little chance of gratifying my other self-interested desires.

It is worth mentioning, finally, an advantage of psychological egoism over my own view. I hope that it is obvious by now that the answer I would give to the question: "Why should I help the drowning child?" is "Because she needs(a) to survive", meaning by this that one can show active sympathy for the needs of others, even when this means sacrificing one's own self-interest. The advantage of psychological egoism is this. If human beings have ultimately only one long-term, self-interested goal and moral rules tell us how to attain that goal, it is very easy to see why moral rules should be obeyed. Being moral is simply a matter of self-interest or prudence. Whereas if we have two or more different kinds of needs, giving rise to two sets of principles, then how do we choose between them when they conflict? The answer that I have given is that if we are rational, we weigh the needs of ourselves and others in accordance with criteria like the basicness, urgency, certainty, of the needs in question. In comparison with self-interest, this seems to be an unnecessarily complicated view of moral judgement. We need to know therefore if the admittedly simpler theory provides a satisfactory account of our psychological make-up.

We might begin by asking for evidence to support the claim that human beings are so constituted that they cannot but help choose what is in their own self-interest. Since this is a psychological claim, presumably a substantial part of the support for the theory would have to be in terms of confirmatory observable evidence. However it is the evidence to the contrary which is striking. If we were to see a child drowning, I said that most of us would go to his or her aid. Let us suppose that we ask a rescuer to justify why he acted so. He might say that, as far as he is consciously aware of his reasons, he did so because the child was drowning (he acted out of his active sympathy for the child's needs). He might add that he expected no praise or reward for his action. He does not think about it with any pride afterwards. In fact, he forgot about it as soon as it was done. And although he probably would have felt guilt and emotional upset if he had not acted so, neither did he save the child because otherwise he would feel guilty. Finally, the rescuer could say that he did not act to further his own short-term or long-term advantage, or even for the benefits he receives living in a society where people behave in this way. He made no calculation of the possible benefits to himself that might have resulted from saving her. He chose to act simply for the sake of the child. I can think of no <u>a priori</u> reason for rejecting this response, nor do I find it implausible as an account of ordinary experience. In ordinary experience, we think that in the choices we make we can be motivated by a sense of concern for the needs of others, even when this means genuine self-sacrifice.

Furthermore, if our ordinary experience is anything to go by, we do seem to have any number of motives, other than self-interest, informing our different judgements: like sympathy, loyalty, fairness, generosity, tolerance, humility and so on. While often I do choose to do things out of self-interest, the variety and extent of the choices I make

seems to be too complex to be accounted for by basing them all, ultimately upon just one single motive. In other words, the egoist seems to be taking a one-sided view of human nature. He takes into account only a particular set of human needs: those (like self-preservation, avoidance of injury to oneself, etc.) which can be subsumed under self-interest. As a matter of fact, there seems to be more to the psychological make-up of persons than this.

There are a number of ways in which the egoist might respond. A usual response is to suggest that the person who went to the aid of the drowning child is not aware of the actual motives which governed his behaviour. In seeming to behave altruistically, he is really seeking to further his own self-interest, though he may not realize this.

Now there is something fishy going on here. In the first place, the egoist is claiming that he has insights into the motives for each individual's conduct that are not available to the agent and frequently contradict the motives that the agent would himself give. No doubt I can be mistaken about some of my own motives. However can I consistently be mistaken in thinking that my motive is sympathetic when really it is not? And when there is a difference between an egoist and an honest person about the motives of the latter, who is the last Court of Appeal?

The egoist's claim is suspect for another reason. Psychological claims of this sort, we said, are mainly empirical. However the egoist claims to know in advance of any voluntary action, whatever it is, that he knows the agent's motive for doing it. It is not, then, a theory based on observed evidence since no conceivable evidence could refute it. It is, at best, an <u>a priori</u> claim about human nature. Couldn't we equally insist and with greater confidence, that there are sympathetic motives within the psychological make-up of persons? After all, this view fits the facts.

The egoist may try a different defence. He may agree that by going into the water to save the child, the rescuer did not seem to act from what most people would call a self-interested motive. Nevertheless it can be assumed that by choosing to save the child, he was doing what he most desired to do. So by doing the act he chose to do, he was satisfying his own desire. Isn't this self-interested?

I will restrict myself to two comments in reply. Firstly, pointing out that all of the judger's voluntary acts are self-motivated, of course, does not show that all of the judger's motives are self-interested. What it shows is that the judger has a special relationship with his own motives because they are his own. He chooses to do what he chooses to do. If this is what the evidence for the exclusive and necessary motive of self-interest amounts to, psychological egoism reduces to the uninformative tautology: "Everyone always chooses to do what he or she chooses to do". I cannot see why such a trivial tautology is thought to be a morally significant insight into human nature.

Secondly, by saying that all motives are necessarily self-interested the egoist denies the difference-in-kind between self-interest and other-regarding motives. There is a price to be paid here. 'Self-interest' could no longer be used to refer to those cases we normally require it for. It cannot be used in moral contexts, for instance, to contrast with the altruistic type of motive. Sometimes, however, we do want to make this contrast. We criticize someone, for instance, who can be in no doubt about what the needs of others, in the circumstances, require him to do (i.e. due to the basicness, etc. of the needs in question when compared to his own) yet under the influence of self-interest the reprobate does something else. What can we say to him? If all motives are necessarily self-interested, we cannot fault him for being inordinately self-interested. 'Self-interest' has been made a morally neutral term. Its meaning has become so attenuated that it can be no longer

used in cases where we normally use it. We would not merely have to coin another expression for those motives/actions which at present we refer to as self-interested (as opposed to sympathetic or altruistic motives/acts), we would require also an explanation of the differences marked by our present distinction.

My last objection is also of a logical kind. It concerns the conditions of universalizability and autonomy which I have shown are necessary for any moral judgement. Firstly, we have seen that I cannot rationally judge

(1) I alone morally ought to do such-and-such because I must always do whatever is in my self-interest.

For (1) cannot be U.R.I or U.R.II universalized. What makes a moral judgement universalizable is that the reason given for it is impersonal, and a reason is not impersonal if it uniquely refers to just one individual's interests or preferences. Let us assume that the egoist accepts that our surface moral judgements must be universalizable and cannot take this egoistic form. However, he argues that the underlying reason in any such judgement is necessarily self-interested. The objection still holds. The underlying reason for this interpretation of (1) would depend upon the occurrence of an irreplaceable pronoun, name, or some other uniquely individuating term. So, again, his judgement cannot be universalized. Furthermore, if his moral judgement cannot be genuinely universalized neither can anyone else's, (even if we may act as if our claims are valid). Bringing others into the picture does not alter the logical status of (1). Even if it is the case that everyone makes similar surface claims, all of our underlying reasons would always be uniquely individuating and so fail as impersonal reasons. The so-called moral judgements recognized would be something like a universal device for ensuring individual self-interest.

Secondly, and more importantly, if a person cannot help but decide on the basis of self-interest, there can be no

point to the claim that one's moral judgements must be autonomous. If we must decide on the basis of self-interest then the 'ought' in the judgement 'I ought to do F rather than G' is, at best, prudential not moral. A prudential judgement may be action-guiding. However if the need for self-interest precludes the possibility of alternative prescriptions then the prudential judger cannot be autonomous. He cannot genuinely choose for himself what he will do. Again it is proper to ask for the evidence upon which such an unlikely claim is based.

Finally, let me state my own position here. On my view the psychological egoist is correct in analyzing moral terms as, ultimately, the expression of deep-seated needs. But he is wrong to suppose the needs in question to be of one kind alone. There is at least one other quite different type of need, equally deep-rooted in human nature. We can make a distinction between those needs we have which are grouped under the name of self-interest and those I have called other-regarding needs, like active sympathy. Once this distinction has been admitted then there are no grounds for the egoist's other contention that a moral code is merely a set of rules for attaining ends which are self-interested. For me to say that 'X morally ought to do F' can mean that F meets somebody else's needs.

Let us assume that the psychological egoist's claim has been successfully rebutted. I mentioned earlier a second argument based upon self-interest. To be able to show that one's singular moral judgements are based upon universal-izable-needs, I have argued, is to adopt a rational point of view. Surely this is not the only perspective on rational moral agency?

5. Rational egoism and universalizable-needs

Why not say: 'Everyone ought to seek, exclusively or primarily, his own rational self-interest'? Unlike the psychological egoist, the advocate of this view accepts that

we can choose to act against our own self-interest but suggests that we ought not to do so. Each individual ought to meet his own weightiest needs. There is an immediate problem for us here. What does the ethical egoist mean by 'ought'?

One response (i) might be an appeal to direct moral insight or intuition. When the ethical egoist is asked: "Why ought everyone act so as to satisfy his or her own needs?", he replies "This is self-evident principle of normative ethics". This answer is unsatisfactory. One reason is that the principle is contestable. Very few people have claimed to have the intuition that everyone morally ought to promote self-interest alone. (Surely, an ethical egoists would not deny this.) However when this self-evidence is denied, the key assumption is undermined.

Alternatively, the ethical egoist might say (ii) that if the principle 'Everyone ought to do what is in his or her rational self-interests' were to be consistently followed by everyone, this would have the best results. What could 'best results' mean here? The world would be a happier place for everyone? Each of us should be free to do what we regard as in our own self-interest in any situation because this will result in the general happiness. This too is unsatisfactory. For one thing, someone who reasons thus is a utilitarian not an egoist. The ultimate justification for moral rules is the general happiness. We are interested here in the arguments for egoism as a rational principle, not the general happiness. In addition to this, the principle is not neutral. For some people, it is very odd to suppose that everyone would be happy or would benefit by a policy based only upon self-interest. They think it is obvious that those with power or talent would advance their own interests much more effectively than those without it, bringing unhappiness and frustration to the needs of the 'have-nots'.

Finally, the justification for rational self-interest might be (iii) that the principle is best suited to rational choice and thereby to an explanation of our prima facie correct particular moral judgements and of our commonsense moral beliefs. It is suited to rational choice since, as H.Sidgwick (1907:498) says:

> ..."I" am concerned with the quality of my existence as an individual in a sense, fundamentally important, in which I am not concerned with the quality of the existence of other individuals and this being so, I do not see how it can be proved that this distinction is not to be taken as fundamental in determining the ultimate end of rational action for an individual.[202]

We may put the point here in the following way. A rational person will seek to satisfy his own needs for survival, physical well-being, self-determination, happiness, etc. Furthermore, he will believe that the satisfaction of his own needs is a prima facie good. It will be the object of most projects of which he approves. However, as Sidgwick (ibid:420-421) observes:

> ...it then becomes relevant to point out to him that his happiness cannot be a more important part of Good, taken universally, than the happiness of any other person.

The proponent of this view must be able to say that it is rational for every person to regard the satisfaction of his or her own needs as a prima facie good. He must be able to show, moreover, that we could base all of the prima facie correct particular moral judgements that we make on nothing more than this. For instance, judgements which involve other persons - like 'I ought to go to the aid of a drowning child' - must be shown to follow from reasons concerning the judger's own (hypothetical or actual) rational self-interest. And he must be able to justify, also, our commonsense moral beliefs e.g. it is morally right to keep promises, in terms of rational self-interest.[203]

Initially we might think that rational egoism does provide a satisfactory account of our particular moral judgements. A rational egoist can go to the child's aid.

He might justify doing so in the following way: "I morally ought to help the child because having sympathetic concern for others is the most rewarding and fulfilling kind of life I can lead". He may think also that a society in which promise-keeping, being fair, etc., are commonplace, is best suited to his own overall interests.

However he would not necessarily have a reason, say, for refraining from cheating others, (particularly when everyone else observes non-cheating conventions), when a particular case of cheating greatly improves his own interests and when he is reasonably sure that he would not be found out. As we asked earlier, if the money Smith borrows from Jones leads to an improvement in Smith's fortune, why should it be in Smith's rational self-interest to keep his promise to repay Jones, as opposed to simply doing whatever is required to get Jones to believe that he will keep his promise? Similar arguments apply to justice. Why shouldn't a rational egoist - who ex hypothesi would be well-disposed to choose Rawls' principles of justice as a way of meeting his hypothetical rational self-interest when in 'a veil of ignorance' - free-ride once the well-ordered society has been established? Also I cannot see how a rational egoist could feel or express genuine gratitude. According to our earlier analysis, this amounts to valuing one's benefactor for his or her own sake; whereas the rational egoist thinks, presumably, that in such an act the recipient ought to regard the benefactor as being in some way an instrument to his (the recipient's) interest. To put the points raised above bluntly, a theory which attempts to base all of our moral judgements and beliefs upon rational self-interest alone, results in an impoverished, or at least a very narrow picture of our moral life.

There is a more telling objection. The view that 'every person is able and rationally ought to seek his own interests' cannot be consistently advocated. For surely, my advising you to look after your own self-interest will not

be in my self-interest when your and my interests conflict. It is logically possible of course that our interests will never conflict. However in the actual world, conflict of this sort happens all of the time. In which case the theory either leads to inconsistencies or is one that cannot be advocated.[204]

We can see this point, per absurdum, by reverting to an earlier example. Suppose Smith, a soldier, endorses universal rational egoism of this kind. Doing what is in his own interests, Smith would try to kill his enemy Jones. At the same time, Smith would accept that Jones is just as rational when trying to kill him. So our universal egoist soldier rationally ought to try to thwart his enemy and at the same time believe that his enemy is doing something rational in trying to kill him. Now if moral judgements follow from rationality of this sort, we would have to say that if Smith prevents Jones from killing him, Smith's defensive act is morally wrong because it prevents Jones from doing what he ought to do. (Jones morally ought to kill Smith.) And it is not wrong because it is what Smith morally ought to do. One and the same act is both morally wrong and not wrong! Are we to say here that although rational self-interest may apply, morality ceases to apply in such cases, i.e. in all cases where there are conflicts of needs? Otherwise to avoid such contradictions, rational egoism thus construed, cannot be advocated.

The argument above carries over to less dramatic conflicts. As a rational egoist, I might say 'Each person rationally ought to pursue their own self-interest' but, when we conflict, I cannot really accept that persons other than me morally ought to gain their self-interest, for otherwise this will defeat my own. At best this seems to amount to saying that I accept a policy of universal rational self-interest but think that when we conflict, either my opponent should not really pursue his, or at least that he should not attain it. The trouble is that the

egoist's argument is put forward as a paradigm of rationality. (This is why anybody should adopt it.) At the same time, he seems to suggest that persons other than him, ought to act contrary to reason. For if he accepts that some cannot achieve their self-interest then, presumably, he is willing that they engage in irrational behaviour.[205]

G.Warnock (1967) denies the thrust of the argument above. He holds that we can consistently maintain that others ought to do what is in their rational best interest without encouraging them to do so. Warnock (1967:45-46) writes:

> In order, that is, consistently to defend as unobjectionable my neglect of another's interests I do not have to go to the length of positively wanting my own interests to be neglected, or of somehow not disliking it when they are: all that I am required to do is to concede that neglect of my interests by others would be unobjectionable.

All the rational egoist must concede is that others are not morally required to attach weight to his needs and interests; no matter that he may intensely dislike it when in the competitive free-for-all, it happens that he comes out on the losing side.

We can strengthen Warnock's argument here by drawing an analogy with a competitive game.[206] I may see how by moving his knight, my chess opponent can take my queen. This is how he rationally ought to move. However believing that he ought to move his knight and take my queen, does not commit me to showing him the move, or to wanting him to make it. What I rationally ought to do is to sit there, keeping my own counsel, hoping that he does not move as he ought. A chess player, or for that matter a player of any competitive game, can recognise that his opponent ought to pursue his or her own rational self-interest, without trying to persuade them to do so. Could not Warnock say that to understand the asymmetrical use of 'ought' in the context of a game allows us to see its asymmetrical use in moral conflicts?

The analogy, alas, is false. In any game we grant our opponent the right to make appropriate moves without taking

certain preventative actions ourselves, like distracting him and then changing the position of the pieces while the opponent is distracted. By refraining from such actions, of course, we may lose the game. If the analogy were sound, the rational egoist would be committed to refrain from doing certain preventive acts which are nonetheless in his overall self-interest. There are some things that soldier Smith would not do to kill or thwart his enemy Jones. As a consequence, however, he would fail to act in his overall self-interest. In which case, he would refrain from doing what is rational and what he is required morally to do.

Let us note one other problem before moving on. A rational egoist's theory places him in an awkward position in a joint investigation. Suppose that Smith and Jones ask me to arbitrate in a dispute they are having. The egoist's doctrine would seem to point in three directions. I rationally ought to tell Smith to satisfy his own needs and to tell Jones to do the same. However above all else, I rationally ought to to satisfy my own needs which could be contrary to both of theirs. In which case I cannot see that one could claim to be taking the point of view of someone who is genuinely participating in a joint investigation; someone who is seeking 'the correct' answer. I hope that I have said enough to show why I think that rational self-interest is seriously flawed as a rational basis for moral judgement.

Let us now turn to the issue of moral deadlock. Suppose that in our investigation both parties believe that their own judgement is correct and that the other's judgement is wrong. Most of our everyday moral disputes appear to be of this nature. How exactly does my universalizable-needs account provide a way of handling this problem?

6. Moral deadlock

Often when people make moral judgements, the judgements they make are disputed. "Smith", Jones says, "is a dreadful

person. He promised to repay the money he borrowed from me and he hasn't". Someone else, Brown, may disagree. Brown may point out that Smith recently lost his job and is out of work, or that Smith believed that the only way he could feed his children was by making the false promise to Jones. Brown may add that in happier times, Smith always paid his debts.

Sometimes such disputes are simply a difference about the facts. Jones may not have known that Smith is unemployed, or he may not have realized that Smith's children were starving. If their disagreement is about a factual matter, we do not think that in principle the disagreement is incapable of being resolved.

Often the factual difference is more subtle or complicated. In the past it was believed by many, for instance, that a short stretch on the rack is the only way to save a heretic from eternal damnation. Let us assume that charity motivated this practice. We too may agree that if the rack guaranteed the heretic eternal salvation, charity would require that he should be tortured. However we do not believe that the rack serves in this way, or that it ever did. Our disagreement with the Inquisitor, which is usually represented by the moral sceptic as an irresolvable difference of moral principles, may be a difference about the truth or falsehood of a complicated, yet non-moral, proposition.

And sometimes what appears to be a moral deadlock may be nothing more than differences in the physical, demographic, or other circumstances in which a shared moral standard applies. It is usual to mention at this point, the fact that in the past Eskimos killed their aged or infirm relatives whereas we do not. Perhaps we would re-consider our treatment of the elderly and infirm, if we found that caring for them involved for us, the dire consequences for the survival of the group which it seems to have presented to the Eskimo. Similarly in Xhosa society, where until

recently women heavily outnumbered men, for women to have deep and lasting personal relationships, polygamous marriage arrangements were regarded as necessary. In a more evenly balanced population like that of Scotland, to meet the same need, such arrangements would have been inappropriate. Despite a superficial appearance of an intractable moral conflict, then, a wide divergence in moral practices is perfectly compatible with our universalizable-needs account of moral beliefs. Let it suffice to say that many such apparent differences are to be explained by the circumstances that prevail when it comes to meeting underlying needs.

Very often, however, moral differences are not so obviously resolved. Consider some of the disputes we have touched upon in earlier chapters. There is, for example, the white supremacist in South Africa who is convinced that black people ought to be disenfranchised and in many other ways deprived. For the rest of us, the view expressed is an unmitigated evil. There is the dispute between the doctor and the Catholic housewife. He urges her to use some form of contraception as she is already overburdened by children, while the housewife rejects the advice, stressing loyalty to her faith and her Pope. We mentioned also how the Naurus Indians of New Grenada ate their Spanish enemies' hearts in order to acquire the latters' courage whereas we would say that such a practice is morally repulsive. We noted the dispute between those who believe that First World countries should give aid to Third World countries; while others believe, for good reasons, that they should not. Finally, there is the dispute between the military-minded Captain Vere, who judged that Billy Budd should hang, and Professor Winch who thinks that this is just what should not happen.

Let us assume that in the conflicts above, each party has reasons for the judgements they make but that none admits the relevance, or the priority, their adversary gives to opposing reasons. Unlike the persons in a moral dilemma,

each has no doubt what morally ought to be done. Such arguments, we might say, have reached moral deadlock. Must we go on to say, then, as R. Beardsmore (1968:x) says:

> ...these (disputes) are not decidable, even in principle, simply because the disputants cannot agree over what criteria to apply.?

Beardsmore adds that we would not think that empirical disagreements are similarly incapable of being resolved. He invites us (ibid:12) to contrast an intractable moral disagreement with a disagreement:

> ...over whether there is a car in the garage...(or where) ... a and b disagree over the temperature on the Air Ministry roof.

Clearly this is not comparing like with like. A comparable example - to cars in garages, or the air temperature - about which we are equally certain, is our general agreement that if there is no comparable danger to the rescuer, the drowning child ought to be fished out of the pond. Equally clearly, we do disagree about some seemingly intractable empirical issues.

However this is a side-issue. The question is not one of how much agreement or disagreement there is between those who engage in a moral investigation. The question is whether or not moral disputes are logically capable of an objective solution. We would not think that, in principle, empirical disagreements are incapable of being so resolved. The reason why empirical disputes are decidable is that there can be general agreement about the criteria for resolving them. If Jones and Brown differ as to whether there is a car in the garage then there is a way in which they can decide the matter once and for all, namely by going and looking. There are, similarly, accepted procedures by which most empirical disputes are resolved, so that we do not need to consider the details of a disagreement to know that one party is right and the other is wrong (or in some empirical disputes, that both are wrong). Rarely would we say that both views are equally well-founded. This does not mean that the solution will be easy to find, nor even that

in practice it will be possible to find a solution. What it does show however is that it does not make sense to say "This dispute has no solution".

Beardsmore goes on to say that there are no such criteria with which to settle moral disputes.[207] However I have argued that this is not so. In moral matters, we are not at liberty to judge in any way we choose, on pain of irrationality. We cannot make a rational judgement that we would not or could not universalize _in propria persona_. When we make a make a moral judgement we cannot pick and choose which facts are relevant to the moral question at issue. The reasons in which they occur have to be contextually relevant and elucidating. Neither do we decide the criteria that apply here. The satisfaction of our needs (a) and (b) explains the purposes for which moral principles exist and such reasons are good reasons for _prima facie_ correct moral judgements. They are judger-neutral reasons in _prima facie_ correct universalized judgements. Further, I have argued that where needs conflict, there is an objective basis for weighing the different needs involved. Thus I am maintaining that many, though not all, of our moral disputes, like empirical disputes, can be resolved; or rather, in principle, we are capable of resolving them.

Of course there may come a point in a moral dispute when offering further argument is not effective. This does not show that resolution is impossible. We cannot force our adversary to accept the weightiest reasons. This is equally true of any enquiry. To overcome this difficulty, we have assumed that the disputants are engaged in a joint investigation. They are concerned to find the truth despite their antecedent views. Then, if my argument in the preceding chapters is correct, we can discard as instances of faulty reasoning judgements (i) which the judger is unwilling or unable to universalize _in propria persona_; (ii) which are not theory-neutral in that they depend upon value assumptions which cannot be rationally defended; (iii)

which are not impersonal i.e. not based upon contextually relevant and elucidating reasons; (iv) where due weight has not been given to the different needs involved; or (v) where the two opposing reasons, or their outcomes, are so equally weighted that we are not in a position to draw a moral judgement. In this latter case, we are faced not by deadlock but by a moral dilemma. Let us see if this response to Beardsmore is satisfactory.

To illustrate (i) consider again the dispute between the supporter of Apartheid and his adversary (or for that matter between the latter and anyone who is prepared to act in ways that restricts the liberty of others, or who takes more liberties than others on the basis of his own political, moral or religious beliefs). By U.R. alone, we saw that we can convict the racist of inconsistency if he is not willing to universalize in propria persona. No doubt the racist would be the first to complain if the treatment he is advocating for others was inflicted on him. His unwillingness would show his argument to be rationally faulty. We would accuse him of holding double standards; one standard for his group, conferring on it social and political privileges that he denies to other persons who do not have his skin colour. This fault, we have seen, is a form of inconsistency. "But what of the consistent white racist", it will be asked, "who would be willing to universalize his judgement and to be similarly deprived if he were black?".

We can fault his judgement in a more precise way. On my analysis, the supporter of Apartheid can morally justify his claim to freedom (to make his political judgements) because like everyone else, he has the need to be self-determining in pursuance of his purposes and projects. In other words, self-determination is an underlying need-reason for any particular political judgement. However his project involves the domination of one race by another. His political beliefs require that he denies the same need(b)

for self-determination to similar cases, viz. the victims of his policy. So we can convict the racist of inconsistency; only in this case, his fault would concern a need-reason he must accept to justify his own right to freedom from interference but that he is unwilling to apply to all like cases.

No doubt a racist, if he were prepared to argue with us, would try to defend himself against inconsistency of this sort. One of the arguments that typically is offered here runs along the lines: 'Any minority group which fears that their way of life will be adversely affected by another "less developed race" (sic), morally ought to dominate the other race in order to prevent this'. Among other things, the reason appealed to contravenes (ii) the neutrality requirement. Its status as a moral principle, as well as its application to particular cases, is highly contentious. One group who do not see the neutrality of the principle, for instance, is the indigenous black majority in South Africa, (who are typically traduced as being 'a less developed race' and whose conduct is supposed to be regulated). However it is not the fact that not everyone will agree with it which gives a view its non-neutral status; it is, rather, the difficulty of seeing how any such view could be rationally defended as an answer to the question 'Which moral judgements ought anyone to make?', without recourse to contestable value assumptions. When the racist tries to defend judgements of this kind, at some point he is forced to appeal to "the truth" (sic) of various beliefs about 'less developed races', 'the rights of a particular racial group', etc.[208] Further disputable assumptions of this nature are needed to justify the particular substantive conclusion.

I do not want to suggest that faulting his judgement, as being non-universalizable or non-neutral, will convince the racist that his views are unsound. However I do not know how he could deny these arguments. (What happens usually

of course, is that other beliefs are then employed in the attempt to justify the position.) If we restrict ourselves to the arguments above, however, what they do suggest is that pace Beardsmore, we can fault a judgement if we can show that it is non-universalizable or inevitably contentious. These are criteria we can use to settle moral disputes.

Let us turn now to the controversy between the doctor, who urges the use of contraception, and the Catholic housewife. Does it make sense to say that this type of dispute 'has no solution'? We cannot know this in absence of further investigation. We need to consider in more detail what is involved in either assertion. We need to see, firstly, that what has led each of the disputants to their position is moral reflection and not, for instance, irrelevant appeals to authority or habit. Let is suffice to say here that (iii) for a reason to be impersonal it cannot simply rest upon the uncritical acceptance of an authority; i.e. on, say, 'divine revelation' rather than philosophical argument. Only if there are contextually relevant and elucidating reasons for advocating or prohibiting contraception, is the doctor's or the housewife's judgement morally justified.

If what I have argued is correct, need-reasons are contextually relevant and elucidating reasons. We may consider, then, what need-reasons are involved in either assertion. I have argued that there would be no moral dispute if it was not seen on both sides that the woman may die with the burden of another birth, or that the woman may be seriously unhappy because she has too many children, or that her children may suffer due to the mother's unhappiness, and so on; or that the poverty which may result from too large a family, is generally regarded as harmful. There would be no moral dispute if it were not seen on both sides, also, that the Catholic mother needs to be loyal to her

faith, that disloyalty is a moral pain as well as a religious sin.

Without wanting to appear tendentious, I have to add in passing that loyalty, like gratitude, can be misplaced. It is misplaced, for instance, if the motive for loyalty is fear. (We may call this 'loyalty' if we must, but 'obedience' would be a more accurate description of the disposition.) Sometimes we are loyal/obedient due to the fear of the consequences of not being so. Here the rationale is prudence. I had better be loyal/obedient or so much the worse for me. However, whatever we call it, it is not clear that sentiments of this kind presumptively imply a moral ought or duty; neither does it confer the corresponding right to others to expect loyalty. What misplaced loyalty shows, rather, is a lack of self-respect, and a lack of respect for other people on the part of those who insist on it. If this is the basis for the housewife's loyalty, (iv) then due weight has not been given to her needs on the part of those who demand it, or by the housewife, for her need(b) to be self-determining. Someone who is overdependent in this way, would be beset also by various other forms of irrationality.

Let us assume, however, that the Catholic housewife feels genuine loyalty to her faith. How are we then to weigh the needs involved? (This is, of course, a very complicated issue and I hope I will be forgiven for not going into it in any detail). What we can say, from a commonsense point of view as spectators, is that we are likely to give most weight to her need(b) to be self-determining. In terms of our calculus of needs, when weighed against other needs, the self-determining prerogative of the housewife is regarded as basic and certain. If her choice in such a matter is in some way or another denied (e.g. enforced sterilization) then we are eroding her nature as a person.

However we might then point out less certain but equally basic needs that rest upon her decision; if she becomes

pregnant she may die, she may be seriously injured, or unhappy because she already has too many children. We might suggest that she gives weight also to the needs of others which rest upon her decision (i.e. to the extent of the needs involved), like the fact that children may (mentally) suffer due to their mother's death or injury, that poverty and overcrowding will probably result for her family which, in turn, could result in their unhappiness, and so on. We might suggest also that she gives weight to the uncertainty that surrounds the matter of contraception, in cases such as her's, in current Catholic thinking.

These are not merely extraneous considerations. In order to be able to say that a moral dispute has no solution, surely, it is necessary to probe the underlying assumptions, to see just what is being argued on all sides. Furthermore we can say, pace Beardsmore, that the basicness, certainty, extent, of the needs in question serve as neutral criteria for decisions of this nature. We are able to say to the housewife, to paraphrase Bentham, that only insofar as her judgement gives due weight to all of the needs identified, will her judgement be a rational one. (Even so, in such cases, stubbornness and self-deception are not unknown.)

Let me try to show how the universalizable-needs calculus applies in another of the conflicts we have considered. I mentioned earlier how the Nauras Indians of New Grenada killed and then ate their Spanish enemies' hearts in the belief that they would thereby take possession of the latters' courage and chivalry. The Indians, we might say, regarded this practice as a form of self-improvement. I observed at the time, how completely different our (and no doubt their victims') conviction is on this matter.

Unless we were to adopt the kind of relativism that maintains that all beliefs are on a par with one another with respect to their credibility, viz. what any group believes is true, makes it so,[209] we have to say that we know the Naurus belief is false, or at any rate that the causal

claim is highly implausible. Although the Indians' view is false or implausible, of course it can be understood and made intelligible by relating it, for instance, to other Naurus beliefs. It is false by context-independent criteria; criteria that we, and incidentally the anthropologist, would need to employ to understand the Naurus belief system. To say this, is not to doubt that the Indians considered the results of the practice to be certain and no doubt it helped to explain any subsequent courageous feats they might happen to have performed. However we too can explain any displays of additional courage in terms of the placebo effect that accompanies such a practice. We would need much more evidence to believe that by eating his organ one literally took possession of another's courage.

So far our disagreement with the Indian, which again is represented by the moral sceptic as irresolvable difference of moral principles, turns out to be a difference of the truth or falsehood of a non-moral propositions. However I have argued also that the certainty of some needs compared with others is an objective ground on which to decide which needs morally ought to be met. Other things being equal, between a need that is more and one that is less certain, we rationally prefer the former. The certainty of the Spaniard's need to survive when weighed against the improbability of truth of the Indian's belief about the cause of self-improvement, would be one (of many) reasons for rationally choosing the former.

Furthermore, for the Nauras Indians to destroy a life - and all that goes with it - for such a false or implausible reason, we can justifiably condemn. This is not simply a matter of being wrong 'for us'. While some values that we take unconsciously for granted may be totally conditioned by the society in which we were brought up and would be quite strange for members of another society, with due application we can bring ourselves to understand this. However if what I have argued is correct, social practices which deny or

which frustrate a person's need to survive - or we might add, their need for food, sleep, to avoid unnecessary suffering, social practices that pointlessly diminish a person's self-determination, their self-esteem, the development of their talents, or practices that undermine respect or concern for others, that do not prize gratitude, loyalty, trust, integrity, etc. - are rationally inferior to those that do not.

Let us consider another dispute which hinges upon the weighing of needs. Should aid be given to such countries as Ethiopia, Sudan, Bangladesh by First World countries? Most of us think that it should; we think that affluent nations morally ought to help. Without this help, thousands of people will die unnecessarily; millions more will continue to live in hunger, disease and in absolute poverty. However according the opposing argument,[210] since they have no way of sustaining their present populations (poor land, no natural mineral wealth, no industrial infrastructure, etc.), the aid that is given now by affluent nations helps to cause overpopulation and even greater poverty in the future. P.Singer (1979:175) tells us:

> By the end of the century, Ethiopia's population is expected to rise from 29 to 54 million...

With a population of this size, there seems to be no prospect of this country becoming self-sustaining; (and similar arguments apply to other countries like Ethiopia). Helping the poor and starving now, will probably result in more poor and starving in the future. Their needs(b) will be even greater in the future.

We have seen that what I am calling 'the opposing argument' goes on to suggest that if we were to take seriously an obligation to meet the needs of people in these countries, one day the affluent nations will be unable to look after themselves. Our criteria for weighing needs do not require the judger to sacrifice any comparable needs of his own. And by giving aid now we are jeopardizing our own and our children's lives and well-being in the future. The

poor of Ethiopia et al should be left to starve today, for otherwise they will drag First World countries down with them tomorrow.

How does my needs thesis help in this dispute? One question we must ask is: how certain are the forecasts of greater future disasters, which are claimed might result to both First and Third World countries as a result of the latter's receipt of assistance now? Predictions concerning population growth and decline are notoriously fallible. An alternative projection, which is just as plausible, is that improved economic conditions and education reduce population growth. As P.Singer (ibid:177) writes:

> The introduction of sanitation, modern medical techniques, and other improvements, reduces the death rate in a country, but initially this has little effect on the birth rate. Then the population grows rapidly.

Most Third World countries are at this stage of rapid population growth.[211] However as Singer points out (ibid), if their material standard of living continues to rise, factors like increasing economic security, improved education, the emancipation of women, and so on, cause a steady reduction in the birthrate. Within an increasingly affluent state, the population growth levels off.[212] Most rich nations are in this position now.

This is all speculative, of course; what might or might not happen in the future. We cannot wait for one or other theory of population growth to be confirmed before doing anything. People in Third World countries need aid now. If they are not helped this year they will not be around next year to benefit from an aid programme. By our needs criteria, their needs are basic, certain, urgent and thereby weightier than those concerned with remote and by no means certain futures. Most First World countries could give adequate and appropriate aid now without the sacrifice of anything of comparable significance to themselves. And if I have argued correctly, this is a prima facie good reason for judging that we morally ought to do so.

Finally let us turn to a case where two or more conflicting need-reasons seem to be equally weighted. This, I have argued, is not moral deadlock but a moral dilemma. To see this, consider again the dispute between Melville's Captain Vere and Professor Winch. Let us assume initially that unlike the persons in a moral dilemma, both Vere and Winch have no doubt what ought to be done. One says that hanging Billy Budd in the circumstances is morally justified, the other that Budd ought not to hang since he is 'innocent before God'. The argument seems to have reached a deadlock. Are we to say that there can be no solution?

Before I answer this, let us consider how the universalizable-needs thesis help us out here. I have claimed that one value of my account is that it helps us to see the nature of conflicts more clearly. Winch suggests that Vere saw his obedience to naval laws as a moral duty and, presumably, the objective of maintaining discipline over the men under his command as morally important. (Although Winch does not tell us what he takes the nature of Vere's moral commitment to be.) One reason for the former moral obligation evidently, is Vere's pledge to the navy as an officer, to 'abide by the imperial code'. A more general reason might be that Vere thought that giving priority to naval laws was his patriotic duty. Patriotism, nowadays, is often represented as the belief that one should be prepared to fight and to kill for one's country, irrespective of the cause. Let us assume that Vere is not this sort of patriot. In Melville's story, he does not appear to relish the prospect of killing his country's enemies. And he appears to believe that his country's cause is just. If this is so, the moral beliefs in question would seem to be an officer's loyalty to the navy he serves and, behind this, the responsible love of one's country. Maybe this is how we should understand Winch's claim that Vere saw his job as the captain of the Indomitable 'in moral terms'. Perhaps it is loyalty and patriotism that are at the heart of Vere's

judgement that Budd is guilty. (We will return to Vere shortly.)

Winch's alternative, just as plausible view is that Budd, innocent before God, morally ought to be acquitted. Once again, Winch does not tell us why he holds this moral view. We need to know why exactly Winch thinks that hanging in Budd's case cannot be justified. My objection to hanging Budd is that he is a centre of consciousness, like ourselves, whose need(a) to survive is basic, certain, and fecund; and it is a need(b) for all of the other things that Budd deems worthwhile. It is on weighty assumptions such as these that we judge that it is prima facie morally wrong to kill anybody. Some people may do things or they may be in circumstances in which it is thought that their survival morally ought to yield to weightier needs; but not a person like Budd, who is innocent of murder, or of any other premeditated crime. The strict interpretation of naval law, or patriotic duty, do not seem to Winch to constitute weightier need-reasons. Presumably this is why Winch thinks (no doubt like most of us) that Budd should not hang.

Perhaps we would all be less confident, if hanging Budd is certain to prevent killing and suffering of far greater magnitude. This brings us to a second set of possible reasons Vere may have had for finding Budd guilty. It should not be forgotten that the story concerns the time when England was at war with France. Vere's ship was detached from the fleet. There had been a number of mutinies in the navy. There were impressed and disaffected men aboard the Indomitable. French ships were expected. The prevention of mutinies in such a situation might be a serious moral demand. Vere's concern, let us assume, is for the needs of the rest of his crew, their lives and safety. Other lives elsewhere also might be saved if the ship remains in active service. We might extrapolate upon the extent of the needs involved even further. Failure to enforce discipline could be a disaster for England in the

war. Had Vere allowed a prima facie mutinous act to go unpunished on his ship he might have contributed to a general disaffection throughout the British navy. This in turn may have resulted in the defeat of England, which would result in the loss of a great many more lives and dire consequences for the nation. This too may be what is involved in Vere's seeing his role in moral terms. In a nutshell, to save the lives and intolerable suffering of many others, hanging a person, albeit 'innocent before God', Vere thought to be morally justified.

Once again, these are not merely extraneous considerations. In order to make a moral judgement, viz. to see which needs are at stake and to be able to weigh those involved, it is necessary to probe all moral claims and background assumptions. Furthermore, we cannot choose to read this background in any way we like. Most of the crucial facts which depend upon the underlying human needs, are given in the situation itself.

If my extrapolation of the so-called 'deadlock' is correct, then any rational disputant - like those engaged in a joint investigation - will understand the opposing points of view. It is not a matter of the disputants not agreeing about which needs apply. Both can see the different needs involved, and both can see which are thought to be the weightiest by their adversary. Each will admit the relevance of the other's need-reasons in the context. How then do we explain the disagreement?

I think that the answer is that neither admits to 'the pull' of the other's reasons. The difference here is to be explained, perhaps, by such indeterminate matters as the differences of their backgrounds, experiences, sensibilities, feelings, hunches, and so on. If this is so, we are no longer dealing with rational grounds, (although sensibilities, feelings, etc. are responsive to rational argument (see pp.259-260). From the point of view of a joint investigation, the best we can say is that they both

see on the one hand, the force of the argument which states that an innocent person should not hang, regardless of the politically expedient results which may follow; on the other hand, the force of the argument that hanging a seaman who has killed a superior officer, in these politically threatening circumstances, may be morally justified if it is certain to prevent further massive killing or suffering.

So for all of the complexity of universalizable-needs theory, have we really advanced beyond the position set out originally by Professor Winch? I think we have. I have claimed that there are occasions of serious moral dilemma in which the judgers, wholly intent upon discovering what anyone morally ought to do, may not be able to make a moral judgement. The need-reasons may seem so evenly balanced they may not be able to make a judgement. Owing to the pressure of circumstances, as we have seen, they may be forced to act. However to decide to act in such-and-such a way is not necessarily to decide what anyone morally ought to do. It is not the same, this is to say, as making a moral judgement.

If this is so, in the light of all of the conflicting needs in the Billy Budd example, a perfectly correct response to the question: "What morally ought anyone to do in this case?" is "We have no idea". And if we cannot make a moral judgement, this is not a dispute over irreconcilable principles, as Beardsmore suggests. The moral issue for Vere, Winch and the rest of us, is in the form of a moral dilemma, not deadlock. Where (v) two sets of need-reasons seem to be equally well-founded, as we noted we should be cautious in drawing any judgement. However we still cannot say that there is no right answer. For the theoretical search for the weightiest need-reason does not have to come to a halt.

However it is time for this discussion of moral deadlock to come to a halt and for us to take stock.

7. Conclusion

I began this essay by asking if there could be an answer to the question 'Which moral judgements ought anyone to make?' that does not depend upon contestable moral assumptions. In response to this question, I have argued (i) that to be a rational judgement, a particular moral judgement must be U.R. universalizable in the sense that it must be fully consistent A. This means at least that the judger must be willing to accept his judgement for all cases *in propria persona*. By U.R., for instance, the judger rationally cannot accept that he or anyone else morally ought to act in a way towards other persons which, if the judger were in their place, he would not be willing to accept. We can discard, then, as bad judgements those which the judger is unwilling to universalize *in propria persona*. We can discard also those he is unable to accept; those which lead to inconsistencies or are in some other way rationally flawed when he does try to universalize *in propria persona*.

As we saw, (i) is inadequate as the criterion for morally relevant judgements, to say nothing of morally good judgements. For by U.R. the judger appears to be able to universalize almost anything he likes in the name of morality, such as judgements based on reasons that uniquely name one individual, or which are concerned with irrelevancies like looking at hedgehogs in the moonlight. We would not normally consider such reasons to be morally relevant let alone think them to be morally good reasons.

We recognized that for the judgements in which they occur to count as morally relevant, reasons must at least be impersonal. To say that a reason is impersonal, I argued (ii) means that it is contextually relevant and that it elucidates the judgement. Reasons which fail in these respects and the judgements in which they occur, are also considered faulty. However we had to say what precisely counts as a contextually relevant reason.

As a first step in this direction, I defined a morally relevant reason widely enough to cover all different ethical views. This gave us one possible interpretation of U.R., (iii) a judger-relative version, U.R.I. Also I argued that a reason is morally relevant if it can be seen to be so by every rational judger. This gave us a second possible interpretation of U.R., (iv) a judger-neutral version, U.R.II. I argued that on either rendering, the rule U.R. would not depend upon contestable value assumptions and in this sense it retains its neutrality.

We found that U.R.I will not give us indisputable, morally correct judgements. Indeed some abominations could be U.R.I universalized in the name of morality, including judgements which assert that it is morally right to kill, maim, dominate or completely disregard the needs of others. This is to interpret U.R.I, as it is usually interpreted, as a formal principle. Regarded in this way, however, we found that universalizability is a trivial principle. Mutually incompatible, contrary and even contradictory judgements satisfy the formal interpretation. So that when applying U.R.I to a particular judgement, all of the burden of moral distinctions is placed upon the additional moral assumptions that are required to derive a moral conclusion.

If the universalizability rule is to have any direct bearing on our judgements, I argued (v) it must be given a material interpretation. This is to say, the rule by itself, or together with other non-contestable premises, must be used to derive morally correct conclusions. We saw that both R.M.Hare's and M.Singer's attempts to give their versions of U.R.I a material interpretation provide a poor account of our everyday moral beliefs (such as the prohibition on killing other persons) and, more importantly, both allow contestable moral assumptions into their accounts. This is to say, their accounts do not provide a non-contestable answer to the 'which moral judgements?'

question. We then asked if an interpretation of the judger-neutral version of U.R. is possible.

In Part Two, we saw (vi) that any person has a wide range of non-volitional bodily, psychological and social needs. I organised these into those states, capacities, abilities, emotions, feelings, drives, we need(a) in order to function and those we need(b) to flourish, or without which a person ails. I argued that these are bodily, psychological and social things we need; they are not 'moral' needs.

However we found (vii) that an explication of many of the moral beliefs that we ordinarily think of as right and obligatory can be given in terms of such needs. This is quite a striking result. An adequate explanation of many of our moral beliefs ultimately involves reference - though sometimes more explicitly than others - to (underlying) need-reasons. Thus I argued that an explication of our commonsense moral beliefs 'It is <u>prima facie</u> morally wrong to deliberately kill another person', 'One morally ought to feel and to express gratitude for benefits one has received' etc. can be given in terms of need-reasons. Since they presuppose needs(a) and (b) for any person, we can see why such moral beliefs matter to us. By acting upon them, we meet conditions that we need to satisfy in order to function or to flourish. It is not surprising then that descriptions of such needs matter to us, and that they are contextually relevant reasons. I argued also (viii) that need-reasons are <u>prima facie</u> good reasons for the singular moral judgements in which they occur; there is a standing presumption between need-reasons and moral judgements. We found that the putative counter-examples to this presumption can be adequately explained in terms of needs. We wanted then to see if the universalized form of such judgements are judger-neutral; (viz. 'If in my singular judgement I judge that X morally ought to do F for the need-reason R, then must any rational person judge that anyone to whom R applies morally ought to do F?').

In Part Three we considered a joint investigation where we are trying to answer the 'which moral judgements?' question. We found that (ix) need-reasons are judger-neutral reasons in the universalized moral judgements in which they occur. This is to say, they occur in judgements that any informed, reflective person - who is given the appropriate reason and conclusion - must accept as the judgement that anyone morally ought to make. One way we confirmed their judger-neutrality was by considering the implications of their denials. I tried to show that the hypothesized situations implied are incompatible with a defensible view of human moral practices. We concluded that unless there is an overriding need-reason to the contrary, a universalized judgement of the form '(X)(X morally ought to do F because of a need-reason R)' is a *prima facie* correct judgement.

We considered the possibility that not all of our needs(a) and (b) serve in this way. However the examples of so-called destructive needs (to dominate, to be aggressive, to be malevolent) were grist for our mill. I argued (x) that such "universalized moral judgements" (sic) fail hopelessly as descriptions of something which could be said to be an intelligible account of a moral practice. And we saw why it is reasonable to argue that the burden of proof is on anyone to spell out the kind of human moral practices they have in mind.

I then put forward another striking feature of my account, namely (xi) a method by which we can estimate which needs are central and given that need-reasons will conflict, how we might weigh them when they do. I maintained that the criteria provided preserve the neutrality of my account; moreover they enable us to objectively resolve some moral arguments when the latter appear to be in deadlock. Unfortunately things are seldom this straightforward. We saw that (xii) moral judgement-making is usually a complex matter. A need-reason may not be the actual or surface

reason for a moral judgement. The actual reason may only indirectly refer to the needs of those involved. However even though it is the ancillary reason, we found that (xiii) prima facie correct moral judgements can be supported by underlying need-reasons.

We then saw that (xiv) not any resolution of a moral difficulty counts as a moral judgement. Finally, I argued (xv) to resolve a moral dilemma, if you and I judge differently, it is not intelligible to hold that both judgements are morally correct.

Along with the rational errors mentioned earlier (of inconsistency, uniquely naming, etc.), we can identify other defects which further limit the scope of what can count as an autonomous, morally correct judgement. We can fault judgements, for instance, that have omitted to give any consideration to the needs of those involved, or where the judgment fails to deal with the complexity of the needs involved; we can fault a judgement that is biased in the weight given to conflicting needs, or in circumstances where it is difficult to discern which of the conflicting and closely balanced needs weighs most, it may be that we have made a snap decision rather than a genuine judgement about what ought to be done. The arguments above I realize, do not all have the force of a conclusive demonstration. But I hope that enough has been said to show that (i)-(xv) give us a imposing battery of tests with which to answer the 'which moral judgements?' question.

If the arguments (i)-(xv) are correct, the difficulties we noted at the conclusion of Chapter One and Chapter Six have been resolved. Let us see this. Consider first the difficulties at the close of Chapter One. By conditions (i) and (ii) we have the basis for a distinction between the moral and the non-moral. Someone's judgement is a prima facie rational judgement, by (i), if he is able to universalize it in propria persona but it is a moral judgement by (ii), where the reason he gives is contextually

relevant and elucidatory. More interestingly, by arguments (iv)-(viii) we can identify moral from immoral judgements. For by (vi), (vii) and (viii) descriptions of the needs(a) and (b) of persons are prima facie good reasons for moral judgements. And when universalized, the resulting judgement is judger-neutral, satisfying (iv). This presents us with certain moral truths that are not dependent on personal preferences or particular social practices, but can be confirmed by any moral judger apprised of the facts, which satisfies condition (v).

I have answered those who, like MacIntyre and Winch, claim that not all moral judgements are universalizable, by arguments (xiv) and (xv). At the end of some deliberations, it is more sensible to accept that we are still faced with alternatives none of which is more obviously weightier than the others. When this is so, we cannot make a genuine judgement. And I have dealt with the observation that there always may be some aspect of a particular judgment that cannot be universalized and some aspect of any non-moral or immoral judgement that can be universalized, by arguments (xii) and (xiii). According to argument (xii) moral judgements are usually complex and, by (xiii), what we have to ascertain, for the purpose of universalizing, is the underlying need-reason. And I have dealt with the problem that many moral principles, like the duties of parents to their children, do not apply to everyone alike, by arguing (xiii) that it is the underlying needs, such as the need(b) for active sympathy, that is the point of application for the rule U.R.II.

Also I have defended my account against the problems mentioned at the close of Chapter Six. By argument (x) I showed that in their universalized form, examples of so-called destructive needs fail to describe coherent possible moral practices. And I dealt with the remaining problems of moral deadlock by argument (xi), which offers a method by which we might weigh rival need-reasons. Lastly

I have supported my position against theories which attempt to account for moral judgements, beliefs and practices in terms of psychological and rational self-interest. I challenged the former by arguing that it does not do justice to our psychological natures and the latter by arguing that it does not give an adequate account of our ordinary moral beliefs. And I showed that both conceptions of moral agency are marred by inconsistencies.

In arguing for the above I have also made some observations which, if they are right, seriously undermine some recent accounts of the nature of moral judgement. They undermine particularly, universal prescriptivism and the meta-ethical relativism to be found in the doctrine of 'moral practices'. Both standpoints, I maintain, fail to take account of the overall purpose of moral discourse and also take too lax a view of the implications of universalized judgements as an intelligible picture of moral practices. In consequence, they do not do justice to the idea of a morally relevant judgement.

In contrast, I hope to have sketched the rudiments of a moral theory, the core of which contends that there is a theory-neutral rule with which an autonomous judger may determine morally right and wrong judgements. The rule in question, U.R.II, is a material interpretation of the universalizability rule U.R., based upon human needs. It states:

> If I judge that X morally ought to do F because of the need-reason R, then any rational person must judge that anyone to whom R applies ought to do F.

And I hope to have successfully defended my thesis against some major objections to which it appears vulnerable.

In no case, of course, does the answer I have given resolve and thereby close an issue from further discussion. On the contrary, the usefulness of this essay is much more likely to lie in a different direction. If anything, it provides some advances in moral theory on the past disputes

concerning the universalizability rule and on the current exchanges concerning needs in human nature. Hopefully, my thesis will open up some of these issues for further discussion.

ENDNOTES

Notes to Introduction

1. The main support amongst British philosophers for this approach can be found in the writings of R.M.Hare (see bibliography).

2. Among others G.Anscombe (1958), P.Foot (see bibliography) I.Murdoch (1970), M.Midgley (1979) pioneered the return to substantive ethics.

3. The versions of it given here are by no means exhaustive of all the renderings of the universalizability thesis. For different versions of the ethical consistency interpretation see, for example, M.Tanner (1964:71), R.Bambrough (1966:159), A.MacLean (1984:22). See also R.M.Hare (1963:esp.12/15). (However as we shall see, Hare seems to slide from construing universalizability in this sense, to taking it to be a thesis about the impartiality of moral judgements.)

4. For examples of the generalization rule version see M.Singer (1961:66), N.Gillespie (1974:87/91), A.Gewirth (1978:105).

5. For examples of the categorical imperative version see A.C.Ewing (1953:16/29), P.Dietrichson (1964:143/170), H.Curtler, (1971:295/297).

6. For the Golden Rule version see A.Cadoux (1912:272/287), K.Baier (1958:200/203), W.T.Blackstone (1965:171/172); all of whom understand the universalizability rule to ask:'How would you like it if others did it to you?'.

7. For examples of the impartiality form of universalizability see L.Kohlberg (1963:630/646), P.Singer (1979:11/12), D.Locke (1980:168/171).

8. For examples of universalizability in terms of a principle of justice see B.Williams (1962:128/9), R.S.Downie and E.Telfer (1969:50), J.Rawls (1972:253).

9. For examples of 'Treating like cases alike' see D.Emmett (1963:214/228), R.Wasserstrom (1964:634/635), R.Montague (1965:198/202).

10. For examples of 'What if everyone did that?' versions see M.Robins (1975:89/108), K.Bach (1976:464/481), G.Meilaender (1980:125/134).

11. The same distinction is made by calling formal principles 'non-substantive' and material principles 'substantive', see e.g. R.Edgley (1965:28/29).

Notes to Chapter One

12. This schema is based upon D.H.Monro's (1967:147) proposal.

13. It has been suggested to me that every particular judgement involves a general reason. If I say "I will not buy spinach because I do not want to eat it for dinner today" to what general reason am I thereby committed? Presumably we would have to say "Everyone with the same peculiar likes and dislikes as me does not want to eat spinach for dinner today". Now if this is a general reason it is not general in the sense in which others are, that are discussed in the text. The statement cannot be substantiated by citing other prima facie like cases, e.g. "I do not want to eat spinach therefore Smith, Brown or Jones, do not"; no generalization supposedly involved in such a reason would serve as evidence for its truth, etc. We can call such reasons 'implicitly general' if we must. But it seems to me that characterizing them in this way is vacuous. (However nothing of substance to my thesis hangs on this controversy.)

14. The version applies, of course, to descriptive judgements, thus: If I judge that X is a racehorse because it has a certain pedigree and runs fast, then I must judge that anything with a certain pedigree that runs fast is also a racehorse.

15. This version also applies to non-moral contexts. We can understand the following schema I' to be a logically equivalent form of consistency A;

I' If I judge that F is so-and-so for X, because of the reason R, then I must judge that F is so-and-so for anything else to which R applies.

If all legitimate substitutions into schema I are consistent A, so are substitutions into schema I'. For example,

If I judge that smoking cigarettes is a danger to the health of Smith, because it will damage his lungs, heart, etc. then I must judge that smoking cigarettes is a danger to the health of anyone because it will damage their lungs, heart, etc.

16. See e.g. R.Wasserstrom (1964:634/635). For further argument on this point, see N.Gillespie (1975).

17. This way of putting the matter is due to C.H.Whiteley (1959:144).

18. This is taken to follow from the fact that principles are, at least by implication, general in scope. If a moral principle applies to one case, then it must apply to all relevantly similar cases. "To universalize" (sic) in this case, would be to state a principle together with a statement of the particular circumstances in which the

principle is to be applied and, subject to the normal rules of inference, the action-guiding conclusion that is derived from it; see e.g. R.M.Hare (1952:56).

19. People do change their minds about moral matters. To be consistent B however, one cannot in the same chain of reasons, argue in this manner.

20. In a moral discussion one can fail to make judgements without the discussion thereby losing its point. An Afrikaans group discussing morality, for instance, can fail to universalize without disqualifying their discussion for the title of moral discourse. They simply may be trying to discover whether this or that rule of the Broederbond applies in a given situation. See Downie and Telfer (1969:154/155) for a discussion of a similar point.

21. This claim I think would meet with general approval among philosophers. See, for example, J.S.Mill (1851:131), K.Baier (1958:222), M.Singer (1961:55/57), C.Caton (1963:50/51), R.M.Hare (1963:36/37).

22. The same restriction is assumed, but not argued for, in a number of recent contributions; see e.g. M.Singer (1961:353), D.Emmett (1963:217), J.Rawls (1972:131), R.M.Hare (1975:76), W.Rabinowicz (1979:11).

23. See e.g. A.MacIntyre (1957) and P.Winch (1972) for an expression of the doubt that all moral judgements are universalizable; see e.g. P.Nowell-Smith (1954:177 and 309), D.Locke (1968), J.Gilbert (1972), who maintain that the universalizability rule is trivial.

24. I think that this is what Kant (1785:86/87) had in mind when he wrote that some actions are so constituted that their maxim cannot be conceived as a universal law of nature without contradiction, let alone willed that it ought to become one. For a full discussion see O.O'Neill (1985:167/172).

25. What the prescriptivity of moral judgements commits us to here, presumably, is that our strongest desire, our overall preference, be acted upon. Hare is not alone in interpreting universalizability in this way, see e.g. S.Toulmin (1950:156/157), W.Kneale (1950:693), K.Baier (1958:200).

26. Sidgwick's assumption fails to pass at least one of the tests that he proposes any apparently self-evident proposition must pass before we are justified in accepting it. Sidgwick's fourth test (1907:341/342) of a self-evident proposition is that there must be general agreement by experts on its truth.

27. Unfortunately it is not too clear what Hare's universalizability thesis consists in. His position is open to a number of different interpretations; see, for example, D.Monro (1967:147/207), D.Locke (1968:25/44). However, instead of trying to determine what Hare's real position is, we shall assume that the version offered here is correct.

28. Hare (1963:56) writes:

> ...another important (difference) between 'ought' and descriptive judgements, which distinguishes them from imperatives and decisions (is) namely that 'ought' is universalizable and they are not.

29. Hare (ibid:71) says, also,

> It is in their universalizability that value judgements differ from desires....

30. Hare (ibid:157) notes:

> To want to have something does not commit the wanter to wanting other people, in the same circumstances to have it.

31. I am grateful to Elizabeth Telfer who pointed out a serious error in my discussion of this section in a previous draft.

32. This analogy is hinted at, but not argued for, by M.Singer. He writes (1985:52)

> I spoke of generalization...in ethics...largely by analogy with generalization in mathematics and logic and the process of generalization in language.

33. It is well known that Hume thought that rules of this kind are without rational foundation. The major problem Hume pointed to is, of course, the difficulty of moving from a first judgement 'All observed Xs are F' to the general conclusion 'All Xs without restriction have been, are, and will be Fs'. This is not the same as saying 'If we believe that a particular X is F because of R then we cannot help saying that any X to which R applies will be F', which consistency A requires. Hume was more concerned with the problem of establishing the truth of the product of the process of generalizing than the process itself; (for this latter distinction see M.Black (1952:281)). No doubt Hume would have thought that consistency A lacks rational foundation. He would have insisted that such a process, nevertheless, is grounded in the deepest instincts of human nature.

34. It might be asked: "Are MacIntyre and Winch really denying what I have called universalizability thus far, (viz. U.R.)?" A.MacIntyre's (1957) paper is intended to refute Hare's (1955) thesis, of which MacIntyre (op cit:326) writes:

> The crux (then) of Hare's position is the contention that whenever anyone says "I, you or he ought to do so-and-so," they are thereby committing themselves to the maxim "One ought to do so-and-so".

This is consistency A. And MacIntyre says that this component of Hare's account is mistaken. Clearly he would deny U.R. On the other hand, P.Winch (1972) sees himself as being at odds with Sidgwick. He places a quotation from Sidgwick (1907) at the forefront of his discussion. Part of this passage (see Winch op cit:151) reads:

> If (therefore) I judge any action to be right myself, I implicitly judge it to be right for any other person whose nature and circumstances do not differ from my own in certain important respects.

This again is the demand for consistency A. Clearly Winch would deny U.R. for certain types of moral judgement. For further discussion see Chapter Eight ahead and see J.Kovesi (1967:83).

Notes to Chapter Two

35. As J.L.Mackie points out, this is not quite accurate. A judgement may be universalizable, if it contains proper names used as variables. As Mackie (1977:84) writes

> If John Doe has contracted with Richard Roe...then John Doe ought to ...

Similarly, words like 'you' and 'me' can be harmlessly used as variables in much the same way, e.g. 'What's right for you is right for me'.

36. Hare thinks that rigged definite descriptions, such as (3) and (5), are excluded by the reversibility test. I cannot see why. Even on Hare's 'ideal observer reversibility test' they are universalizable.

37. For similar lists see W.D.Ross (1930:22), D.Raphael (1981: 44).

38. This way of putting the point is due to J.L.Mackie (1977: 86).

39. For example, we might say that a Christian places a premium on reasons like self-sacrifice and humility; the military-minded person will emphasize the importance of courage, strength of will, and so on.

40. It is an error to think that the existence of psychological states, like guilt and remorse, are criteria for saying that someone possesses a moral belief; states of guilt and remorse presuppose the existence of moral beliefs, not vice versa.

41. For further argument on this point see M.Singer (1961:13/32), A.Gewirth (1969:123/135).

42. This is B.Russell's (1918:55) sense of a logical name; see also S.Kripke (1971:135/164).

43. The test proposed by R.M.Hare's 'universal prescriptivism' and by M.Singer's 'generalization argument', for instance, make moral acceptability contingent upon what is wanted by the agent.

44. See J.Rawls (1972:136/142).

45. I may be wrong about the intentions of the walker of course. He may prefer to get wet. In which case my singular judgement (7) does not apply to him in the way intended. But I could express a different judgement, in the same form of words as (7), on the grounds of prudence. Even so, the requirement of contextual relevance rules out (7) as a prima facie moral judgement.

46. It is important to stress that we make this distinction between subjective and objective judgements in moral discussion, even if the distinction itself is mistaken. This is to say even if, as some philosophers argue, the so-called objectivity of judgements is no more than a consensus gentium. All that I am claiming here is that our ordinary attempts at moral reasoning recognize this distinction.

47. This is Hare's view of the matter when, in his later works, he says that universalizable 'ought'-judgements express the objective side of the objective/subjective distinction. It permits us to say that the judgement is independent of the idiosyncrasies of the judger or of other kinds of arbitrariness. Hare (1981:81/82) makes the point most clearly in a footnote where he chides B.Mitchell for failing to grasp it.

48. See for instance R.Bambrough (1979:15).

Notes to Chapter Three

49. See J.Bentham (1789) in Warnock, M. (1962:35).

50. See J.S.Mill (1861) in Warnock, M. (1962:256/278).

51. This distinction, between a formal and a material principle, is due to J.Feinberg (1973:100). Only Feinberg writes of replacing the variable by a constant rather than a general term.

52. J.L.Mackie (1977:83/97) gives plenty of other examples of the kinds of judgements ruled out by the U.R.I version of the universalizability rule.

53. Hare must allow that he cannot claim any more rationality for his anti-Nazi principles than his opponent can claim for Nazi principles. In recent works, however, Hare observes (1981:44/53) that at an intuitive level of moral thinking he may condemn his opponents. But they can return the compliment. The validity of either condemnation will be relevant only to Hare's or the Nazi's moral beliefs.

54. A fanatic, Hare (1963:175) tells us, is a person who is so committed to an ideal that he is willing

> ...to override all considerations of people's interests, even the holder's own in actual or hypothetical cases.

55. I can find nowhere in his writings where Hare indicates that he has changed his mind about the theory-neutrality of universal prescriptivism in any fundamental respect. In his later work (1981:170) he only concedes that he has

> ...seen some distinctions more clearly...

56. It is worth noting Hare's confusion in a bit more detail. There are grounds for thinking that when he wrote Freedom and Reason (1963) Hare was not absolutely convinced that the role-reversal and ideal observer tests (and thereby utilitarianism) are a logical extension of U.R.I. As we saw, given only the in propria persona test Hare thinks that the universalizing Nazi fanatic is in an unassailable position. (See also, for instance, his discussion of the creditor/debtor example (ibid:94).) Six years later, however, Hare suggests that the role-reversal test provides an answer to the Nazi. Hare (1970:50) tells us that the fanatic must put himself

> ...in the situation of his victim with his victim's desires.

We can see a similar slide (1978:77/78) from one test to the next in Hare's treatment of white racialism in South Africa. Using the in propria persona strategy, he thinks that universal prescriptivism can establish why we cannot treat skin colour as a morally relevant property. However, Hare (ibid: 81) then adds

> ...we have to make it (the judgement) in full knowledge and awareness of a...material fact, namely what it was like for his victim to desire not to be treated in a certain way.

This is evidently the alternative 'role reversal' test.

In (1976:28/29) we are told explicitly that

> ...I have to consider my own desires, etc. qua affected party, on equal terms with those of all the other affected parties.

And in his later works, see e.g. (1981:110), Hare makes no bones about the way he understands the reversibility condition. We must consider the hypothetical case in which we have the preferences, likes and dislikes, values and ideals, of those affected by our judgements. For a full criticism of Hare's transition, see H.McCloskey (1979:63/76), D.Locke (1981:531/559).

57. Hare's utilitarianism is not to be identified with the traditional forms of utilitarian theory; viz. maximum satisfaction of preferences is not to be identified with maximum happiness. Also for Hare, a person acts as he ought if, on the best information, he universally prescribes the maximum satisfaction of preferences even if the consequences turn out to be bad.

58. See, for example, M.Neumann (1980:35/36) who proposes to give dead persons a happiness rating (what he calls the 'hedonic index'); someone who is killed should be regarded as having a zero rating.

59. M.Singer calls his version of the thesis 'the generalization principle' and wants to distinguish it from Hare's 'universalizability principle'; see e.g. (1985:49/53). I do not think that the distinctions Singer and Hare (1955:311/312) appeal to in their dispute amount to much. I am using 'universalizability' because, as Singer admits, it has caught on as the standard term for the topic.

60. We should notice, for instance, Singer's justification of his generalization principle (G.P.) is weak. It is founded on the fact that in moral contexts, reasons are implicitly general; see (1961:44). Apart from this, Singer (ibid:34/35) thinks that his principle requires no further proof, i.e. to explain why satisfaction of G.P. is both necessary and sufficient for a statement to count as a moral judgement. This disregards MacIntyre's and Winch's contrary position. We should notice also that it is not clear that G.P. and P.C. yield G.A., because 'not everyone' is not (semantically) equivalent to 'no one'.

61. This way of putting the matter is due to P.Singer (1979:80).

62. The example is to be found in P.Singer (1979:174/179).

63. R.M.Hare, M.Singer and many of the other philosophers considered in this essay, raise many issues with which I am not concerned and which I either consider only indirectly or ignore completely. I am only concerned with the theories of Hare et.al. insofar as they best illustrate tendencies in moral philosophy.

64. The essentialist would need to be able to show that the characteristics identified are historically unchanging and

culturally invariant. Moreover he needs to show that they are morally significant. For there could be such characteristics which have no significance for moral judgement.

65. This example is due to J.Feinberg (1973:102).

Notes to Chapter Four

66. We can also make the same kind of claim in reverse viz. 'X wants G even where he does not need it'. In other words, there are some things that we may think that we need about which we are mistaken; for example, a person may think he needs insulin, although he is not diabetic and it is the last thing that he needs. On the other hand, we might need some things and have no views about whether we need them or not. Do we need a religious belief?

67. As A.White (1974:163) points out 'must' is the term more broadly used to handle necessity. Thus he notes:

> I must have dropped my glove somewhere cannot be rephrased I need to have dropped it somewhere.

68. See also B.Barry (1965:47/49); R.Plant, H.Lesser, P.Taylor-Gooby (1980:29).

69. The slogan suggests that socialism is a political system in which all needs(a) and (b) can be met. See also G.Vlastos (1962:40), A.M.Honore (1970:78), D.Miller (1976:149) on this point.

70. For the distinction between 'absolute' and 'instrumental' needs, see e.g. D.Wiggins (1985:154/155). See also D.Miller (1976:122/153), D.Braybrooke (1987:31) on this point.

71. The distinction is due to H.Frankfurt (1984); see also R.Goodwin (1985:615/624) for discussion of the distinction.

72. This position is usually associated with Marxism, see for instance K.Marx (1857:409/411) and H.Marcuse (1964:6). Surprisingly we find Hare using something like the same distinction; see e.g. (1970:50/51) and (1976:28). 'True wants' are those that a person would have if he had all the relevant information, always reasoned with greatest care and was in a state of mind most conducive to rational choice. See also J.Harsanyi (1977:639).

73. For further discussion of this distinction see e.g. R.Wollheim (1975:169/177), C.Bay (1980:246).

74. See D.Braybrooke (1968:92/96), D.Wiggins and S.Dermen (1987:62).

75. McCloskey (1976:6/7) nevertheless argues, in the same breath, that

> Where the conditions are such that the possessor ...would be impaired, marred, stunted, as a person if the conditions are not met, we speak of his needs and the talk about impaired, marred, stunted, is to be explained in terms of what is natural to human nature.

76. A bevy of behavioural psychologists have argued that human nature can be explained on a stimulus-response model; needs constitute the stimulus, while efforts to satisfy them are the response. In psycho-analytic theory also, needs play a central role. At one time S.Freud (1915) identified the need to pursue pleasure and avoid pain as basic; see also E.Fromm (1955) and A.Maslow (1971) who claim to identify needs in a whole range of peculiarly human powers and potentialities.

77. For instance, S.Benn and R.S.Peters (1959:143) write:

> ...what in general we mean when we attribute to anyone 'a need'...(is)..to indicate the lack of something which it would be injurious or detrimental to the subject not to supply;...

See also J.Feinberg (1973:111), H.McCloskey (1976:6), D.Miller (1976:130), R. Wollheim (1976:162).

78. For further discussion of the claim that human needs are not something fixed, but are historically and culturally relative, see P.Winch (1972:73/89). However Winch (ibid: 84) investigates developmental aspects of human nature that he seems to think very fixed. Also see A.MacIntyre (1967: 265) and (1981:174/189); K.Soper (1981).

79. It might be said that I have misunderstood Ms.Soper's point. In saying that 'these judgements are historical and relative' couldn't she mean (a) that everyone would always have agreed but at different times would have meant different things by 'security'; or (b) that people haven't always thought that children need security.

Let us consider (a). Presumably they could not have meant something entirely different by 'security' in the statement 'All children need security'. They must have meant something like 'untroubled by danger or fear' Oxford English Dictionary (1984). If they did not, why should we suppose they were referring to 'security', or why translate this as 'security'? Of course what gives rise to feelings of danger or fear may be quite different in different situations. A certain practice may make for insecurity in one social environment yet not in another. But this would not undermine the empirical claim that security is a universal need(b) for children.

As far as (b) is concerned (viz. people haven't always thought that children need security), it surely is not

merely a matter of what most people think at a given time that makes an empirical claim ipso facto true. Or are we to say that what they believe is true, makes it so? If we did say this, it would make it impossible for the empirical beliefs in a society to be mistaken because of the conviction that a belief is true, (see the discussion pp.421/423 of this essay).

80. See R.S.Downie (1984:481/486) for a discussion of this distinction.

81. The idea that these are needs might be further supported by possible world semantics. A characteristic is a de re need(a) of persons if, no matter which possible world is created or instantiated, when persons exist in that world, they will possess these characteristics. For instance, see W.Rabinowicz (1979).

82. See for example E.Wilson (1975:4) who maintains that our instinct for self-preservation is due to the human brain which has been genetically programmed to ensure the maximum proliferation of underlying genes; but see also M.Midgley (1978:152/155) who points out that other animals, with less brain, are probably more efficient at preserving themselves.

83. See for example R.Plant, H.Lesser, P.Taylor-Gooby (1980:38):

> ...if human beings have moral duties at all they have a need to survive, which in turn implies a duty to help each other to survive and to preserve life.

See also E.D.Watt (1982:541) who imputes the same error to K.Minogue (1963:46 and 103).

84. H.Rolston (1982:337) thinks that spontaneous somatic functions (e.g. those found in someone in a irreversible coma) ought to be given moral respect. Others argue that other sentient beings, (my dog, a chimpanzee), or other objects (Ben Nevis, St.Pauls), or artifacts (Leonardo's 'Last Supper', my computer) or 'the biosystem as a whole' are part of the moral fold; see for example, K.Goodpaster (1978:323). The more usual view is that the spontaneous function is only of instrumental value and that it is consciousness which is of moral value; see for example W.Frankena (1979:14/15). The question of where to draw the line to demarcate the moral domain, is not one that I can consider here. We will assume that whatever I do to any non-person constitutes a moral situation at least when persons (including myself) are affected by my action. All persons have moral standing. This at least seems to be non-contentious.

85. The cases I am referring to is where a person knowingly takes his own life because he regards it as rationally preferable to the other evils that he faces. In contrast, some people are driven to suicide by mental illness.

86. For empirical support for this claim see O.Klineberg (1954). Apparently Klineberg studied numerous cultures to discover that human beings in every culture without exception need food, water, rest and sleep, to eliminate, to breathe, etc. It seems odd to suppose that these were empirical discoveries. Would Klineberg have been investigating human beings if the individuals he studied did not need such things?

87. Clearly the ascriptions of needs to bodily organs is a value-ladened matter, for it is dependent on the idea of the flourishing of the organism as a whole. For further discussion see J.Feinberg (1970:253/255). However, unlike Feinberg, I will argue that there is no cross-cultural disagreement regarding the flourishing of needs(b).

88. See R.M.Hare (1964a:32/42) for a full discussion of this point.

89. This way of putting the point is due to Philippa Foot (1958:126).

90. I am indebted to Elizabeth Telfer for this observation.

91. Phillips and Mounce argue for what G.Harman (1978:143/144) calls 'normative moral relativism'. See W.Frankena (1963:93) and R.Brandt (1967:vol.3:76) for a discussion of this view and see Harman (op cit:152/156) for a defence of it.

92. See also R.Beardsmore (1969:22) who notes that Wittgenstein thought that the possible injury or death that could result to G.E.Moore due to their having a philosophical discussion when Moore was seriously ill, was quite irrelevant when compared to the importance of the discussion. I am arguing that one might be weighted as being less important than the other, but not as 'quite irrelevant'.

93. See G.Harman (op cit:154/155) who I think also makes this mistake.

94. Simone de Beauvoir (1984:425/432) notes that Sartre regarded his blindness as a severe deprivation. He viewed it as a loss of his freedom.

Notes to Chapter Five

95. Durkheim's (1952:288/289) picture of the anomic person is one in whom desires, impulses, purposes, come and go and get nowhere. The self-determining anomic person is in fact constrained by the absence of any internal rules.

96. Nothing corresponding to this ability is discernible in the behaviour of other entities, from which we distinguish persons. Though I might say, for instance, of some non-autonomous thing that what it did made a difference to the way the world goes on - as one might say of the iceberg that sunk The Titanic - this would not mean that it made a difference because the iceberg 'judged' that it morally should sink the ship. Since nothing corresponding to moral judgement-making is discernible in other things, this reason alone seems to be strong grounds for rejecting at least hard determinism.

97. Elizabeth Telfer drew my attention to the necessity of emphasizing this point.

98. Hume does allow that passion can be unreasonable when it is based on false belief. However Hume (1740:191/204) did take a limited view of reason, suggesting that it is passionless. This does not seem to be correct. To take a simple example, a person who universalizes must 'feel strongly' that reasons must be explored and followed, 'care' that judgements be made based on where the reasons lead, and so on.

99. If painful experiments were to be performed on people randomly every Sunday, as P.Singer (1979:52) notes:

> The resultant terror (of Sundays) would be a form of suffering, additional to the pain of the experiment.

100. As Mill (1851:187) writes (to make a slightly different point),

> ...to conform to custom merely as custom, does not ...develop (in him) any of the qualities which are the distinctive endowment of a human being.

101. See for example 'Kleptomania' in R.Goldenson (1984:405).

102. See for example, 'Paranoid States' in R.Harre and R.Lamb (1983:443/444); see also T.Millon's 'Paranoid Personality' (1984:vol.2, p.478).

103. See for example W.Mendel (1984:vol.3, pp.266/268). To give too many examples of types of psychological defects would necessitate writing a thesis on psycho-pathology. I hope I have said enough to show the empirical basis for the claim that a lack of self-determination is regarded as a severe personality disorder. See S.Benn (1976:112/117) for a more detailed philosophical discussion; and see 'Personality Disorders' in R.Harre and R.Lamb (1983:461/463) who list most of the pathological states in question.

104. For an empirical discussion of how the personality is turned upside down in brain-washed cases, see G.Allport (1965: 188/192). Also see W.Sargant (1957) and R.J.Lifton (1961).

105. Cultures as disparate as those of ancient China and Greece regarded certain human beings as non-persons. In the former, non-Chinese were thought to be devils, rather than people, while in the latter, slaves were regarded as 'living tools'. We might remember also that even today, some religious groups appear to regard women as being somehow less than persons. Restricting the term to only preferred individuals in this way is to use 'person' as a courtesy title. However none of the cases above, of human beings who are thought to be non-persons, are thought to be so because they lack self-determination.

106. For empirical support of this claim see, for instance, J.Klein (1965) who purports to discover a stunted capacity for choice among English working-class subcultures.

107. Compare this with, for instance, Sartre's (1948) view of pour-soi, which suggests that to optimise this capacity is a human excellence.

108. In various publications A.Gewirth (1978:48/64), (1979:125/129) argues that we can close the gap between the need for self-determination and the moral right to it. The gap is closed, once we situate ourselves in the internal standpoint of the agent. According to Gewirth (1979:129) to say 'I regard my freedom as a necessary good in order to pursue my projects' commits me, the purposive agent, to the claim that I have a moral right to freedom. Against Gewirth, I am arguing that if we probe the internal standpoint, to regard my freedom as a necessary good for me to achieve my purposes is to say nothing more than 'I need(a) or (b) F'. Whether or not I think that the need(a) ought to be satisfied will depend upon my evaluation of the end at which it is directed. I could rationally choose not to continue to function as a person for the sake of some higher purpose, or to avoid a more fearful alternative end. And regarded as a need(b), there is nothing contradictory here in regarding myself, in more circumspect moments, as having too much self-determination. A case in point would be Aristotle's (1953:89/92) wicked person who is so perverted that even in his own mind, he is systematically in error in his moral judgements. He possesses the generic features of agency. He needs to be self-determining to make his evil judgements. However there seems to be nothing self- contradictory in his denying that this entails that he has a moral right to be self-determining. Would he be guilty of a logical fault if he did? As far as I can see, he would not.

109. For empirical support for this claim see, for instance, G.Allport (1965:110/138). Allport (ibid:137) asserts:

> It is...a psychological fact that the human mind is able to regard itself as an object...

Allport includes in 'self-knowledge': awareness of bodily self, one's past and future, self-esteem (prideful involvement), self-extension (to one's family), self-image, rational agency, long-range goals. See also R.Wylie (1984: 282/285).

110. This distinction - viz. a person is not obviously or wholly the same thing as a human being - has a long pedigree in Philosophy. See e.g. J.Locke (1689:210/211), P.F.Strawson (1959:102/116); A.Quinton (1968:393); D.Wiggins (1976:131/158); P.Singer (1979:74/76). In contrast, however, see the behaviourism in e.g. N.Malcolm (1962:157/160).

111. Strawson (1959:102) writes that a person

> ...(is) a type of entity such that both predicates ascribing states of consciousness and predicates ascribing corporeal characteristics...are equally applicable...

112. Kant (1781:94) writes:

> The I think must accompany all my representations, for otherwise something would be represented to me which could not be thought; in other words, the representation would either be impossible, or at least be in relation to me, nothing to me...

113. Contrast this with the schizophrenic, whose belief structure in regard to their own identity is deranged. He lacks what R.D.Laing (1965:39) calls 'ontological security'; viz.

> ...a sense of his integral self-hood and personal identity..

114. For a full discussion of the psychological claim here see, for example, A.H.Maslow (1954: Chap.5), D.McClelland et.al. (1976)

115. For a full discussion of "an artificial person" (sic) see, for example, P.Carruthers (1986:240/248).

116. Contrast this with the authority given to reason by Aristotle. His claims are based on an erroneous argument concerning man's ergon (function or characteristic activity). Aristotle (1953:38) writes:

> The function of a man is the exercise of his non-corporeal faculties or 'soul' in accordance with...a rational principle..

Rationality is not merely the differentiating property of a person, it is man's function as well. The better he performs this function, the more he is how he ought to be. This argument need not detain us. Let it suffice to say that there are some things which, with regard to their function, such an inference can be drawn, e.g. a knife. Human beings, however, are not items of intentional

construction. (At least, I cannot argue so and preserve the neutrality of my needs thesis.)

117. A working life spent turning a screw on an assembly line or spent shovelling coal at the coal-face are unlikely to be occupations in which much self-realization occurs. In contrast, a working life spent as an actor, artist, author or philosopher, is likely to give a person ample opportunity to exercise his talents or rational powers.

118. Marx's (1844:140) point is particularly clear in the following passage:

> The object of work is...the objectification of the species-life of man; for he duplicates himself not only intellectually, in his mind, but also actively in reality.

For a full discussion of Marx on genuine human needs and artificial needs, see P.Springborg (1981:94/117).

119. The point here can be made in another way. A telling objection to the claim that work is a need(a) or (b) is that the importance we give to work is culturally specific. Certainly, it is important in modern industrial cultures. However in some non-industrial societies, work for the production of things to meet bodily needs seems to be kept to a bare minimum. This places a strain on the claim that work is a need(b). Yet the point remains that some way of obtaining the means of subsistence is a need(a). It is this, viz. the method in any culture by which a person produces the things that he biologically needs, which gives work the status of a need(a) for individuals.

120. See, for instance, K.Jaspers (1971:vol.3, pp.205/6) who, if I have understood him correctly, maintains that something fundamental in the human condition can be revealed to a person when they are in ultimate situations of suffering viz. foundering.

121. For an alternative psychological account of this need, see R.Hinde (1981).

122. See also C.Battersby (1980:271/273) for a similar objection.

123. For further empirical discussion of this point see, for instance, 'Schizophrenics' in R.Goldenson (1984); see also H.Lesser (1980:50). We might add to our earlier discussion that mental suffering (like extreme physical pain) renders one vulnerable to a lack of self-respect. It is more difficult to hold oneself together. More importantly, if the suffering is severe it will interfere with that person's capacity for purposive action.

124. For an alternative (psychological) discussion of the same point see D.Wright (1971:90/91 and p.223).

125. See G.Dunstan (1974:14/15) for an elaboration of this argument.

126. E.Fromm's existential needs fall under five headings: relatedness, transcendence, rootedness, identity, a frame of orientation; see (1955:30/66).

127. B.Williams (1973:108/118) makes a similar point in his argument against utilitarianism.

128. It is obvious, for instance, that many forms of pleasure are not sensations that we feel in some part of our body, or even diffused throughout our body, which it would be, if pleasure is a sensation. This is quite unlike pain which is felt as a sensation.

129. The discussion in this section, though not the mistakes, owes much to Elizabeth Telfer (1980:2/36). She describes (ibid:5) the happy person, in a hedonistic sense,

> ...as one who has everything major that he wanted and has nothing major that he wishes otherwise;...

130. See also, for example, G.Warnock (1971:90/92).

131. Some form of sexual pleasure appears to be such a need(b) for most, if not all, adult persons. This view, of course, is associated with S.Freud, who in '"Civilized" Sexual Morality' (1958:vol.IX, para.16) writes

> A certain amount of direct sexual satisfaction seems to be indispensable for most organizations and a deficiency...must be regarded as an illness.

132. This is not to say that he will always be pleased with what he thought he wanted; and sometimes he will be pleased with things which he did not originally want.

133. As Aristotle (1953:28/29) argued, to say that an activity is engaged in for the happiness it gives, is to put it in a class of activities which are pursued for their own sake.

134. See J.Hospers (1961:63) for further discussion of this notion.

135. See Aristotle (1970:303/309). See also, for instance, J.S.Mill's (1861:257/262) rational hedonism, where he speaks of 'higher pleasures' and 'a fully human life'. In recent times, R.S.Peters (1966:114/166) has provided a more detailed justification of the general claim. However it is difficult to apply Peters' argument to creative aesthetic activity, or to see that it shows the worth of e.g. friendship. A similar point is suggested also by Downie and Telfer (1969:74)

> Even if the appreciation of poetry is not a realistic objective for most people, it is also true

that they are not going to achieve self-realization as a result of the choiceful pursuit of pushpin.

136. See W.G.Maclagan (1960a:210/212) who makes a similar distinction.

137. E.Wilson (1975:120) claims that such acts 'increase genetic fitness'. I think, however, that empathy has as much to do with nurture as with nature.

138. This kind of ad hominem argument is quite appropriate between two disputants in a moral disagreement. One shows one's adversary that his moral belief leads to conclusions that the opponent himself would think repugnant.

139. See M.Lerner and C.Simmons (1966:203/210) for experimental support for the claim that adult subjects tend to reject the victim when they believe they are powerless to help.

140. See I.Piliavin, J.Rodin, J.Piliavin (1969:289/299) for experimental support for the claim that we are less ready to help a person who has collapsed through drunkenness.

141. See also E.Wilson (1975:120) who claims to offer sociobiological support for the claim that such acts are self-interested.

142. See also J.Rawls (1972:464) on this point.

143. Such sentiments and conduct are not transitory. They are sentiments which express an underlying commitment to the child. A parent may admire or enjoy one of his children more than another. He may judge that one has more merit than another. However parental love is not altered by such fluctuations. Parental love, this is to say, is constant. See G.Vlastos (1962:44) for more discussion of this point.

144. I am indebted to Elizabeth Telfer for this observation.

145. In contrast for the Kantian, the student recognizes - though Kant cannot tell us why he should - that a son has a special obligation to his mother, not because he loves her or because she is sick and old and he fears what might happen to her if he neglects her, etc. For the Kantian, the judgement is a moral one only if he stays with his mother from a sense of duty. As an interpretation of why people rationally make the moral judgements that they in fact make, this seems to me to be superficial.

Notes to Chapter Six

146. The topic of gratitude has not been completely neglected. See, for instance, D.Hume (1739:201) who calls ingratitude

the 'most horrid and unnatural' of all crimes that human beings are capable of committing. Also Kant (1797:128/129) lists ingratitude as one of three vices that are the essence of vileness and wickedness. See also W.D.Ross (1930:27) who includes gratitude among his prima facie duties. In recent times, F.Berger (1975) argues for a position similar to mine, though his analysis is not in terms of needs.

147. This phrase is borrowed from J.L.Austin (1962:15) who used it to make a point about indirect perception.

148. The affective component in gratitude was, in fact, recognized by Kant, see (1797:127).

149. D.Hume (1739:273/288) claims that loyalty is a virtue that holds less of reason than of bigotry and superstition. On the other hand J.Royce (1908:17) asserts the conflicting view. The object of loyalty is, we are told,

> ...a cause beyond your private self, greater than you are...superpersonal.

See H.Sidgwick (1907:244) for an alternative position.

150. See P.A.Hutchings (1978:61) for this distinction.

151. According to Royce a person's wholehearted loyalty to a cause is eo ipso good. The supreme good, he says, is loyalty for loyalty's sake. He (op cit:121) writes:

> ...so choose and so serve your individual cause as to secure thereby the greatest measure of loyalty amongst men.

This seems to overlook the fact that people can be loyal to quite evil causes.

152. See, for instance, E.Wilson (1978:86/87).

153. We expect such loyalty even in trying circumstances. We have noted too that loyalty includes self-fidelity.

154. The discussion here applies not merely to promising to pay back loans but also to the more general rule of making promises in order to obtain a service, when I know that I cannot keep the promise.

155. See also H.Prichard (1949:169/179) and J.Rawls (1972:345) for similar accounts. For instance, Rawls (ibid) writes:

> It (promising) is not itself a moral principle but a constitutive convention.

156. See also J.Searle (1969:57/62).

157. See also H.O.Mounce (1973:29/30).

158. Hume purports to prove that promise-keeping is an artificial virtue by pointing out that a promise is not binding when made under duress. He writes (1740:253) of

> ...the force which is supposed to invalidate all contracts and to free us from their obligation.

This does not show that promise-keeping is not due to a natural motivation. It shows, rather, that promise-making must be free or voluntary. One must be, so to speak, in a fair bargaining position.

159. See also, for instance, K.Popper (1966:61) for the same point.

160. For a similar puzzling claim see W.V.Quine (1961:43), who speculates that logical entailments could differ from one language to another.

161. O.Hanfling (1974:19/24) overlooks this point when he claims that a promise must be wanted by the promisee. It would be wrong also to assume that in every case the promiser thinks that the thing promised is wanted by the promisee. For example, I can promise a student to report him to the authorities if he continues to cheat.

162. For a discussion of the alternatives to saying "I promise" see O.Hanfling (op cit:15/19).

163. The example here is of someone saying "I intend to do F" (viz. go to the theatre) and fulfilling that intention. It has been suggested to me that a more difficult case is where someone, say Smith, says that he intends to do F and someone else, Brown, wants him to, and then Smith does not do F. Is Brown justified in feeling resentment in this case? I think not, for the reasons given in the text. So long as a promise is not suggested by the statement of intention.

164. Some rights, such as freedom of religion or of artistic expression, appear to be less susceptible to Rawls' decision procedure. For instance, a person who has no religious beliefs might be undisturbed if a well-ordered society left out rights and obligations in these areas.

165. See J.Rawls (1972:150/161 and p.302) for modifications to the principles.

166. See R.M.Hare (1973:246/247) who also claims that on Rawls' account of them, the choices made in the original position are morally prescriptive.

167. See J.Rawls (1972:11). There is nothing in Rawls' original position to prevent the participants adopting a judgement like 'each individual must give weight to his own needs only, whatever these turn out to be'.

168. In Southern Africa, for example, some people, quite reasonably, argue that black students who receive substantial economic and social benefits, such as a university education, nonetheless are justified in not supporting the institutions they have benefitted from.

169. It has been pointed out to me that our everyday response here may be due merely to our humanity. However on Rawls' account, our sense of fairness - which, presumably, would require that we provide for the basic needs of criminals - results from rational self-interest, not humanity. I am arguing that self-interest here would need to be supplemented by active sympathy.

170. It has been suggested to me that my daughter might have regarded the dog as 'simply nasty', not unfair, to behave in this way. But presumably the dog was thought to be nasty for a reason. I can think of no more obvious reason than its behaviour was seen as unfair.

171. As M.Prichard (1977:71) points out, the psychological theories that Rawls uses as the basis of his theory do not hesitate to appeal to the capacity of sympathy. Kohlberg's (1971) account of moral development, for example, cites the importance of sympathy in a developing sense of justice.

172. One can make sense of the idea of someone helping a political cause, like that of bringing about democracy in a country, not for self-interested reasons or as payment for the advantages one has enjoyed oneself. Helping to right political injustices, for instance, often will not be to the advantage of the reformer.

173. For a full discussion of this claim see W.Kaufmann (1968:179).

174. For a full discussion of this claim see S.Freud (1915) 'Instincts and their Vicissitudes', in Sigmund Freud, (1958:vol.14).

175. See selections from The Marquis de Sade in Simone de Beauvoir (1962).

176. If morality is represented as normal functioning and these other conditions as a failure to attain it, then neutrality is surrendered. For an example where this mistake is made, see E.Fromm (1949:260)

> ...a judgement that a person is destructive, greedy, jealous, envious is not different from a physician's statement about a dysfunction in the heart or the lungs.

See also E.Fromm (1973:260).

177. See for instance D.Braybrooke (1987:261/303), who admits that this is a point where his needs theory breaks down.

Notes to Chapter Seven

178. We discussed earlier the difficulties when we attempt to give the preference-stating U.R.I such an interpretation, (see pp.116/130 above). Both the attempts we considered fail to provide a satisfactory explanation of some of our ordinary moral beliefs (such as the prima facie wrongness of killing) and, in both, to obtain a material interpretation, the judger has to import controversial moral assumptions into the account.

179. See M.Warnock (1960:112). She writes:

> ...it is far from clear that the process of deciding what to do is...exactly like the process of judging...

See also J.Atwell (1967:130/133) for further discussion of this point.

180. See R.M.Hare (1952:186) for a discussion of this notion.

181. Often the moral question and reasons are considered alongside each other, in such a manner that the former locates and describes the moral problem while the latter represents a possible solution to it.

182. Some philosophers, see e.g. Hare (1952:164), suggest that only a command or order can answer the question 'What morally ought anyone to do?' It is not a request to be told what is the case. However if I am correct, it is perfectly plausible to see the question as a request for information.

183. As A.Quinton (1975:30) says, (to make a slightly different point),

> One should, no doubt, be able and, when one's experience provides the opportunity, be willing to criticise generally accepted opinions, both in science and in morals. But to say that is not to endorse a general free-for-all, in science or in morals.

184. See, for example, R.S.Peters (1966:121), A.Phillips Griffiths, (1966:vol.8, p.178). However see also R.S.Downie and E.Telfer (1969:153/155) for a criticism of the over-dependence on this strategy.

185. Does the Nazi not see the importance of things like 'self-determination', 'self-identity', 'sympathy' to the concept of a person? If he recognizes such needs for just

one other person, yet refuses to countenance them in Jewish people, then we can accuse the Nazi of having failed to universalize properly.

186. Someone who knows the meaning of 'lesser' or 'greater' must know the difference between needing(b) something 'a little' or 'greatly'. They will know this criterion for ranking at least. On the other hand, when we compare, we may want to know which of two individuals has the need(b) to the greater degree.

187. It might appear from the example that when weighing needs Smith is not required to look beyond his own, for a judgement about what is right or wrong. If this was the case, my thesis would be compatible with Egoism. I will untangle the universalizable-needs theory from Egoism in the next chapter.

188. See A.Quinton (1973:33) on this point.

189. It might be objected that it is not enough to show that these are the rational criteria we do employ, I must also say why these criteria morally ought to be employed. For the question remains: do we employ the (morally) right criteria? My response to this is to place the burden on my opponent who suggests that things could be otherwise, to show the non-contentious alternatives he has in mind.

190. The moral beliefs prevalent in our family, or community, are usually taught to us not as beliefs but as facts. Later we come to realize that they are only family or group convictions and that they may be wrong.

Notes to Chapter 8

191. This is not Sartre's view of the matter. He has no doubt that universalizing is legitimate. When explaining the character of anguish, for instance, Sartre (1948:30) writes:

> ...a man commits himself to anything, fully realising that he is not only choosing what he will be, but is thereby at the same time, a legislator deciding for the whole of mankind.

See also (ibid:52)

> ...although the content of morality is variable, a certain form of this morality is universal.

192. B.Cohen (1967:250/259) makes a similar point. She says that the decision in such a case must be 'a matter of personal feeling' not a moral judgement.

193. For more discussion on this point see A.MacLean (1984:21/38).

194. See also G.Harman (1978:146/148), W.Frankena(1963:109) and R.Brandt (1967:75) for a discussion of the same view.

195. P.Winch (1972:163/164) writes:

> The story seems to me to show that Vere did what was, for him, the right thing to do.

Winch is not making here the banal and obvious point that different people may make different judgements about the same action. What he intends clearly is that Vere did the morally right thing in convicting Budd as he, Winch, would be doing in not convicting him.

196. K.Kolenda (1975:461) maintains that the mistake follows from the fact that Winch's non-universalizable 'ought' is 'morally empty'. His main argument (op cit:465) against Winch is:

> To be (a moral judgement) it would have to be justified and not merely encountered as a personal inclination.

It is true that Winch does not tell us explicitly why Vere judges that Budd should hang or why he judges that Budd should be acquitted. However we can speculate what Vere's and Winch's reasons might be.

197. The consequences noted, follow only if overridingness is a necessary and sufficient condition for a moral belief.

198. See D.Wright (1971:140/141). Some recent philosophical theories also argue for a form of psychological egoism. For instance R.Firth (1952:317/345), who sees an implicit use of egocentric terms in every moral judgement. See also G.Harman (1978:151/152).

199. See for instance E.Wilson (1975:381). Also see W.Hamilton in D.Barash (1982:69/73).

200. Following Aristotle (1953:273/276) we must distinguish here between 'selfish' and 'self-interested'. By selfish conduct we mean those actions which are performed at the expense of others. This is not the psychological egoist's doctrine. He wants to say that motives or actions must be such that they are always intended to benefit the judger.

201. See, for instance, R.Trivers (1971:35/57), a sociobiologist who accounts for altruism along these lines.

202. Sidgwick is usually considered to be a utilitarian, of course. (However his views differ considerably from those of Bentham and Mill.) Rational egoism is one of the three ethical theories - the others are utilitarianism and intuitionism - which can be systematically developed and where it is reasonable to act in accordance with its conclusions. See J.L.Mackie (1977:141/144) for further discussion.

203. As we can see, the view I am calling 'rational egoism' connects with the claim that an adequate account of our moral beliefs and of prima facie correct judgements can be given on the assumption of nothing more than rational (hypothetical or actual) self-interest. See, for instance, the discussion of Rawls pp.302/315. See also A.Gewirth (1978:146) who claims to have shown a derivation

> ...from the prudential to the moral at the point where, through the principle of universalizability the agent logically must acknowledge the generic rights he claims for himself are also had by all prospective purposive agents.

However the agent's rights-claim, à la Gewirth, would follow from a prudential judgement, not a moral one. What in his singular judgement he would universalize, is a rational self-interested reason. The universalized judgement would be of the form: each person prudentially ought to regard his or her freedom as a necessary good in order to pursue his or her own projects. See also J.L.Mackie (1977:173).

204. J.Kalin (1970:64/87) argues that one can state universal ethical egoism consistently by advocating it for each individual, thus 'Smith should act on his own interest', 'Jones should act on his', 'Brown on his', etc. Thus the theory is promulgated to everyone. However the point remains, if he advises Jones to act in his own self-interest, then Smith may not be serving his own.

205. See B.Medlin (1970:56/63) for a similar objection.

206. The analogy is due to J.Kalin (op cit).

207. See Phillips and Mounce (1970:104/112) for a similar view.

208. See e.g. J.Degenaar's (1987:247) puzzling argument in this regard, for the recognition of religious rights of groups, (i.e. to self-determination or freedom of association), over and above individual rights.

209. See e.g. B.Barnes and D.Bloor (1982:22).

210. See P.Singer (1979:230) for advocates of the triage argument in this context.

211. In Transkei, for instance, women during the child-bearing age, give birth to an average of 6 children. And this is a low birth-rate for Africa.

212. As Singer (ibid) says:

> ...couples begin to realise that to have the same number of children surviving to maturity as in the past, they do not need to give birth to as many children as their parents did.

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